CITY OF LARGO

YOUR COMMUNITY OF CHOICE *Naturally*

2024 MUNICIPAL GENERAL ELECTION

CANDIDATE GUIDE

CANDIDATE GUIDE

TABLE OF CONTENTS

Section 1 ..... **General Information and Calendar**

Section 2 ..... **City Charter**

Section 3 ..... **Largo City Code Chapter 2, Article VI Election Provisions**

Section 4 ..... **City Administration And Department Directors**

Section 5 ..... **Steps to Qualifying**

Section 6 ..... **Documents to be Completed for Qualifying**

Section 7 ..... **Handbook on Campaign Financing**

Section 8 ..... **Political Advertisement Requirements**

Section 9 ..... **Poll Watchers**

Section 10 ..... **Obtaining Voter Information**

Section 11 ..... **Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees**

Section 12 ..... **Florida Elections Commission Complaint Form**

Section 13 ..... **The Elections Laws of the State of Florida, F.S., Chapters 97-106**

CITY OF LARGO
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CITY OF LARGO COMMISSION

The Largo City Commission is comprised of six City Commissioners and one Mayor, all elected in nonpartisan, at-large elections to four-year overlapping terms on the first Tuesday after the first Monday in November of even numbered years. On November 5, 2024, Seats 3, 4, and Mayor are subject to election to four-year terms. The terms of office will begin within five (5) days after the results of the election have been certified. The annual salary of a City Commissioner is $19,334.64. The annual salary of the Mayor is $28,999.10.

A candidate must be a qualified voter having continuously resided in the City for one year immediately prior to the date when he or she would take office if elected or whose residence was annexed into the City during the year immediately prior to the date when he or she would take office if elected and who has resided continuously at that residence for one (1) year immediately prior to the date when he or she would take office if elected. Residency must be maintained throughout the term of office.

The City Commission meets for Regular Meetings on the first and third Tuesdays of each month at 6:00 pm and at 4:00 pm on the second Tuesday of each month for a Work Session. During a Work Session, issues requiring considerable discussion and presentation by staff are reviewed but formal action is not taken. In addition, Special Meetings and Work Sessions are conducted as necessary, particularly in connection with the budget review and adoption process. All Regular Meetings and Work Sessions are broadcast live and rerun throughout the week on the City's cable channel and are also available on the City's website.

Election Process:

The City Clerk is designated as the City Elections Official. The City contracts with the Pinellas County Supervisor of Elections Office to conduct the municipal general election. The Supervisor of Elections hires and trains the poll workers, provides voting equipment, and tabulates the results.

The candidate qualifying period for the November 5, 2024 Municipal General Election will begin at 8:00 am on July 18, 2024 and ends at 5:00 pm on August 1, 2024. Candidates can pick up and distribute petition cards beginning on June 3rd.

Candidate Requirements:

There are several requirements for seeking elected office, in addition to the residency and voter requirements mentioned above. As the first step in the campaign, each candidate is required to designate a campaign treasurer, open a campaign account in a local financial institution and submit a completed Statement of Candidate within 10 days after such designation. The City Charter requires that 200 registered voters of the City of Largo sign petitions nominating the individual for election to a specific seat on the City Commission. The voter signatures are verified by the Supervisor of Elections Office, with the verification fee of $.10 per signature paid by the candidate. It is recommended that each candidate have more than 200 petitions signed if some signatures are determined to be invalid, and each candidate will be provided with 250 petition cards, and additional cards in Spanish. Any additional petitions needed can be printed by the candidate. Each candidate must designate the number of submitted petitions to be verified by the Supervisor of Elections Office. While the City of Largo does not assess a qualifying fee for candidates, the

State requires that an election assessment in the amount of 1% of the salary of the position for which a candidate is seeking election must be paid to the City of Largo for forwarding to the Florida Elections Commission Trust Fund. Also, during the election period the candidate must submit Campaign Treasurer's Reports consistent with the schedule provided.

Candidate Assistance:

The City Clerk provides all the forms and information necessary for the election in this Candidate Guide. Candidates can also contact the Pinellas County Supervisor of Elections at (727) 464-6108 or the Florida Division of Elections at (850) 245-6200 with questions on interpretation of election law. Forms and reports that you are required to file during the campaign are to be filed with the City Clerk's Office. Jurisdiction to investigate and determine violations of Florida Statutes Chapters 104 and 106 is vested in the Florida Elections Commission, (850) 922-4539. A complaint form is included in your Candidate Guide.

Any City documents that you might need to assist you in your campaign are available at no cost by making a request to the City Clerk. All department directors are available to answer any questions regarding their operations.

Training on campaign financing and reporting requirements, political advertisements and related issues will be offered, and all candidates and treasurers are encouraged to attend.

CITY OF LARGO

2024 MUNICIPAL GENERAL ELECTION CALENDAR

CITY COMMISSION SEATS 3, 4, AND MAYOR

NOVEMBER 5, 2024

04/10/24	Q1-24 Campaign Treasurer's Report Due (January 1 – March 31, 2024).
05/07/24	City Commission adopts Ordinance No. 2024-33 establishing election parameters.
06/03/24	Candidate Petition Cards available (45 days prior to the beginning of qualifying period).
07/04/24*	Pre-Qualifying begins. Candidates may submit forms and petition cards to be processed and filed on the first day of qualifying.
07/10/24	Q2-24 Campaign Treasurer's Report Due (April 1 – June 30, 2024).
07/18/24	Qualifying begins at 8:00 am.
08/01/24	Final Qualifying Date: Last day for candidates to file candidate petitions and forms at City Hall by 5:00 pm - Charter Section 7.02(b), Ordinance No. 2024-33.
08/06/24	Drawing for ballot position held at Regular City Commission Meeting at 6:00 pm - Charter Section 7.03(b).
08/09/24	Final ballot language due by 5:00 pm to the Supervisor of Elections.
08/26/24	Q3-24 Campaign Treasurer's Report Due (July 1 – August 15, 2024).
TBD	Deadline for candidates to record their names and office titles for the audio ballot. Candidates must call 727-453-3293 before 5:00 pm.
09/06/24	G1-24 Campaign Treasurer's Report Due (August 16 – August 30, 2024).
TBD	Tentative Mailing Schedule for overseas and military mail ballots (week of).
09/20/24	G2-24 Campaign Treasurer's Report Due (August 31 – September 13, 2024).
TBD	Tentative Mailing Schedule for domestic mail ballots.
10/04/24	G3-24 Campaign Treasurer's Report Due (September 14 – September 27, 2024).
10/07/24	Deadline for submitting early voting poll watcher designations (prior to noon).
TBD	Voter Registration Deadline.
10/11/24	G4-24 Campaign Treasurer's Report Due (September 28 – October 4, 2024).
TBD	Pre-election test of precinct, early voting, mail and provisional ballot scanning equipment AND second test of mail and provisional ballot scanning equipment, test Automated Independent Audit Equipment (9:00 am at Election Service Center, 13001 Starkey Road,

Largo).

TBD Canvass Mail Ballots (8:00 am at Election Service Center, 13001 Starkey Road, Largo).

10/18/24 G5-24 Campaign Treasurer's Report Due (October 5 – October 11, 2024).

TBD Early voting begins. Monday – Sunday, 7:00 am – 7:00 pm.

10/22/24 Deadline for submitting precinct poll watcher designations (prior to noon).

10/25/24 G6-24 Campaign Treasurer's Report Due (October 12 – October 18, 2024).

10/31/24 Last day to accept campaign contributions

11/01/24 G7-24 Campaign Treasurer's Report Due (October 19 – October 31, 2024).

TBD Early voting ends.

11/05/24 Canvass mail ballots, Election Day processing, Release Unofficial Results (does not include provisional ballots and 10-day overseas mail ballots). (9:00 am at Election Service Center, 13001 Starkey Road, Largo).

TBD Canvass mail and provisional ballots. (9:00 am at the Election Service Center, 13001 Starkey Road, Largo).

TBD Deadline for Supervisor of Elections to file Unofficial Election Returns with the State (does not include 10-day overseas mail ballots).

TBD Conduct post-election responsibilities. (9:00 am at the Election Service Center, 13001 Starkey Road, Largo).

TBD Deadline to file 2nd Unofficial Election Returns with the State (if necessary).

TBD Deadline for receipt of 10-day overseas mail ballots.

TBD Conduct post-election responsibilities (9:00 am at the Election Service Center, 13001 Starkey Road, Largo).

TBD Deadline to file Official Election Returns and Conduct of Election Report with the State.

TBD Conduct post-election responsibilities.

12/05/24 Removal of Political Signs. All political signs must be removed within 30 days after the election - F.S. 106.1435.

02/03/25 TRG-24 Campaign Treasurer's Report Due (November 1, 2024 – Account Closure).

* City Hall closed on July 4th.

PART I
CHARTER

PREAMBLE

We the people of the City of Largo, under the constitution and laws of the state of Florida, in order to secure the benefits of local self-government and to provide for an honest and accountable commission-manager form of government, do hereby adopt this Charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

ARTICLE I. POWERS OF THE CITY

Sec. 1.01. Powers of the city.

The City of Largo shall have all powers possible for a city to have under the constitution and laws of the State of Florida as fully and completely as though they were enumerated in detail under this Charter.

Sec. 1.02. Construction.

The powers of the City of Largo under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this article.

ARTICLE II. CITY COMMISSION

Sec. 2.01. City commission.

There shall be established a city commission to be composed of seven (7) members, including the mayor, all of whom shall be elected at large by the registered voters of the City of Largo for terms of four (4) years.

Sec. 2.02. Eligibility.

(a) Except as specifically restricted by this Charter, any registered voter having continuously resided in the city for one (1) year immediately prior to the date when he or she would take office if elected shall be eligible to be a member of the city commission. Any registered voter whose residence was annexed into the city during the year immediately prior to the date when he or she would take office if elected and who has resided continuously at that residence for one (1) year immediately prior to the date when he or she would take office if elected shall be eligible to be a member of the city commission.

(b) A member of the city commission must maintain his or her residency within the city throughout his or her term.

Sec. 2.03. Mayor.

The mayor shall be elected at large for a term of four (4) years. The mayor shall be a voting member of the city commission and preside at meetings of the city commission, appoint the members of commission committees and perform other duties specified by the commission. The mayor or his or her designee shall represent the city commission in intergovernmental relationships. The mayor shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. However, the mayor shall have no administrative duties. As the representative of the city commission the mayor shall exercise general supervision over the city manager and all other persons working for the city but not under the control of the city manager and may examine into the condition of their offices and the books, records and papers therein, and the manner of conducting their official business.

Sec. 2.04. Vice-mayor.

A vice-mayor shall be appointed by the mayor from among the current city commission and shall be approved by the city commission. The vice-mayor shall exercise the powers and perform the duties of mayor during the mayor's temporary absence or disability. The vice-mayor shall be appointed at the city commission meeting when the oath of office is administered to newly elected members of the city commission, provided however, in any year when there are no newly elected members, the vice-mayor shall be appointed at the first regular city commission meeting in November. The vice-mayor shall serve a one (1) year term, or until a replacement is appointed, whichever occurs later. Within thirty (30) days of a vacancy in the office of vice-mayor, a vice-mayor shall be appointed and shall serve for the remainder of the term.

Sec. 2.05. Salaries and expenses.

The mayor shall be paid a yearly salary of $21,409.18 and the city commissioners shall be paid a yearly salary of $14,274.00. The salaries of the mayor and city commissioners shall increase each year at the same percentage as the salaries of the management employees of the City. Provided, however no increase in the mayor's and commissioners' salaries shall exceed three percent (3%) in any one (1) year. The city commission may adopt a resolution providing for no increase to the mayor's and commissioners' salaries or adopting an increase that is less than that given to the management employees of the City, in any given year.

The mayor and the other members of the city commission shall further be eligible to participate in any health, hospital, life or other insurance programs available to the general employees of the City of Largo.

Sec. 2.06. General powers and duties.

(a) All powers of the City of Largo shall be vested in the city commission except as otherwise provided by law or the provisions of this Charter, and the city commission shall provide for the exercise thereof and for all duties and obligations imposed upon the city by law. The city commission shall have the power, by ordinance, to levy and collect all taxes. As used in this Charter, the term "tax" shall include special assessments, and the city commission shall have the power to levy and collect special assessments of every class and kind and to have same imposed as a lien upon the affected property. There shall, however, be no increase in millage except as provided under the constitution and laws of the State of Florida at the time such increase is proposed.

(b) The mayor or a city commissioner shall report to the city commission all violations or neglect of duty or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any elected or appointed official that may come to his or her knowledge.

(c) The city commission shall make provisions to secure the general health, safety and welfare of the City of Largo and its citizens.

(d) The foregoing enumeration of certain powers and duties does not in any way exclude any and all powers of the city as granted by the constitution and laws of the State of Florida.

Sec. 2.07. Prohibitions.

(a) *Appointments and removals.* Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any city officer or employee whom the city manager or any of his or her subordinates is empowered to appoint, but the city commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment or removal of such officer or employee.

(b) *Interference with administration.* The city commission and its members shall deal with the city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city commission nor its members shall give orders to any such officer or employee, either publicly or privately. Provided, however, the members of the city commission may conduct inquiries of city officers or employees with the approval of the city commission, and may conduct investigations as provided in Section 2.10.

Sec. 2.08. Vacancies, forfeitures of office, filling of vacancies.

(a) *Vacancies.* The office of a member of the city commission shall become vacant upon the death, resignation or removal from office of such member in any manner authorized by law.

(b) *Forfeitures of office.* A member of the city commission shall be removed from office and forfeit same if said member:

(1) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;

(2) Violates any express prohibition of this Charter;

(3) Is convicted of a felony or other crime involving moral turpitude; or

(4) Fails to attend three (3) consecutive regular meetings of the city commission without being excused by the city commission.

(c) *Filling of vacancies.* By a majority vote of its remaining members, the city commission shall appoint a qualified person to fill any vacancy on the city commission and such person shall serve until his or her successor is elected as provided for herein. If the vacancy is in the mayor's position, the city commission may appoint one of its remaining members as mayor. Such vacancy shall be subsequently filled by the voters for the remainder of the unexpired term, if any, at the next regular city election which is held more than ninety (90) days following the occurrence of the vacancy. If at any time the membership of the city commission is reduced to less than four (4), the remaining members may by a majority action appoint additional members to raise the membership to that level.

(d) *Judge of qualifications.* The city commission shall be the judge of the qualifications of its members, of the grounds for forfeiture of their office and, for that purpose, shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member of the city commission charged with conduct constituting grounds for forfeiture of the office held by such member shall be entitled to a public hearing on demand, and notice of such hearing shall be published at least one (1) week in advance of the hearing. Decisions made by the city commission under this section shall be subject to review by the courts.

Sec. 2.09. Appointments.

The city commission shall also be empowered to appoint special consultants, including attorneys, architects and auditors when deemed advisable or necessary.

Sec. 2.10. Investigations.

Upon a vote of a majority of the city commission, the city commission may make investigations into the affairs of the city and conduct of any city department or office, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city commission shall be guilty of a misdemeanor and punishable by a fine of not more than two hundred [dollars] ($200.00) or by imprisonment for not more than thirty (30) days or both.

Sec. 2.11. Procedure.

(a) *Meetings.* The city commission shall meet at least twice in every month in the City Hall Commission Chamber or such other designated place within the city as the city commission may prescribe by rule. Special meetings or work sessions may be held on the call of the mayor or four (4) or more members of the city commission and, whenever practicable, upon no less than twenty-four (24) hours, notice to each member. All meetings shall be open to the public, except as provided by law.

(b) *Rules.* The city commission shall determine its own rules and order of business.

(c) *Voting.* Voting, except on procedural motions, shall be by roll call and ayes and nays shall be recorded. Four (4) members of the city commission shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city commission. No action of the city commission except as otherwise provided in the preceding sentence or by section 2.08, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the commission.

Sec. 2.12. Actions requiring an ordinance or a referendum.

(a) In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, the following acts of the city commission shall be by ordinance, or by adoption of the budget where specifically permitted below:

    (1) Establish or abolish any city department or office, other than the police and fire departments, by ordinance or by the adoption of the budget.

    (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

    (3) Grant, renew or extend a franchise.

    (4) Convey any real property owned by the city. "Convey" for purposes of this section shall include the sale, exchange, trade or other such disposition of real property.

    (5) Lease of any real property owned by the city.

(b) In addition to other acts required by law or specific provision of this Charter to be approved by referendum, the following acts of the city commission shall be approved by referendum:

(1) Convey fee simple title to any real property owned by the city, which without dividing or otherwise reducing the area of said property at or prior to such transaction exceeds one and one-half (1½) acres in area.

(2) The lease of real property owned by the city by fee simple title for a term greater than five (5) years, except for and specifically excluding that certain real property known as "Horizon West Bay" located on the northern 400 block of West Bay Drive as legally described in the deeds vesting title to the city.

(3) The abolishment of either the police department or the fire department.

(Ord. No. 2022-57 , § 2, 7-19-2022)

Sec. 2.13. Authentication and recording, codification, printing.

(a) *Authentication and recording.* The mayor and the city clerk shall authenticate by his or her signature and record in full all ordinances and resolutions adopted by the city commission in a properly indexed form. The compilation of city ordinances shall be known and cited officially as the Largo City Code. Copies of the Code shall be available at the city library and City Hall for free public reference and made available for purchase at a reasonable price as determined by the city commission.

ARTICLE III. CITY MANAGER

Sec. 3.01. Appointment, qualifications, compensation.

The city commission shall, by a vote of not less than five (5) of its members, appoint a city manager and fix his compensation. At the discretion of the city commission, the city manager may be hired for either an indefinite or a fixed term. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but shall reside in the city while in office. The commission may enter into a written employment agreement with the city manager, provided that no term of the agreement shall be inconsistent with this Charter.

Sec. 3.02. Removal.

The city commission may remove the city manager from office in accordance with the following procedures:

(1) A preliminary resolution for removal of the city manager shall be adopted by affirmative vote of five (5) or more members of the city commission. The resolution shall state the reason or reasons for removal and may suspend the city manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the city manager within five (5) days after its passage and adoption.

(2) Within five (5) days after a copy of the resolution is delivered to the city manager, he or she may file with the city commission a written request for a public hearing. This hearing shall be held at a meeting of the city commission not less than fifteen (15) days nor more than thirty (30) days after the request is filed. The city manager may file with the city commission a written reply not later than five (5) days before the hearing.

(3) A final resolution of removal, which may be made effective immediately, may be adopted by the city commission by a vote of not less than five (5) of its members, after five (5) days from the date the copy of the preliminary resolution was delivered to the city manager, if a public hearing has not been requested, or at any time following the public hearing if one has been held pursuant thereto. The city manager shall continue to receive a salary until the effective date of the final resolution of removal.

Sec. 3.03. Assistant city managers and acting city manager.

The city manager shall appoint assistant city managers, subject to the approval of the city commission. The assistant city managers shall be appointed solely on the basis of their executive and administrative qualifications. They need not be a resident of the city or state at the time of their appointment but may reside outside the city while in office only with the approval of the city commission. The duties of assistant city managers designated by the City Manager, shall include but not be limited to the exercise of the powers and performance of the duties of the city manager during his absence or disability. By letter filed with the city clerk, the city manager shall promptly designate, subject to approval of the city commission, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during the absence or disability of the city manager and assistant city managers.

(Ord. No. 79-92, § 3, 1-22-80, app. at ref. 3-4-80)

Sec. 3.04. Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city commission for the administration of all city affairs placed in his or her charge by or under this Charter, and shall have the following powers and duties:

(1) Appoint and, when deemed necessary for the good of the city, shall suspend or remove any city employee or appointive administrative officer provided for, by or under this Charter, except where appointive authority is vested in the mayor or city commission, or otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department or office.

(2) Direct and supervise the administration of all departments and offices of the city, except as otherwise provided by this Charter or by law.

(3) Attend all city commission meetings and shall have the right to participate in discussion but may not vote.

(4) See that all laws, provisions of this Charter and acts of the city commission which are subject to enforcement by him or her or by officers subject to his or her direction and supervision are faithfully executed.

(5) Prepare and submit the proposed annual budget and proposed capital program to the city commission.

(6) Submit to the city commission and make available to the public a complete report of the finances and administrative activities of the city as of the end of each fiscal year. A summary of such financial report shall be published.

(7) Make such other reports as the city commission may require concerning the operation of city departments and offices subject to the direction and supervision of the city manager.

(8) Keep the city commission fully advised as to the financial condition and future needs of the city and make such recommendations to the city commission concerning the affairs of the city as deemed desirable.

(9) Make recommendations to the commission concerning the affairs of the city and facilitate the work of the commission in developing policy.

(10) Provide staff support services for the mayor and commission members.

(11) Assist the commission to develop long term goals for the city and strategies to implement these goals.

(12) Encourage and provide staff support for regional and intergovernmental cooperation.

(13) Promote partnerships among commission, staff, and citizens in developing public policy and building a sense of community.

(14) Perform such other duties as are specified in this Charter or as may be required by the city commission.

(15) Execute on behalf of the City grant applications, grant agreements approved by the commission, other agreements approved by the commission, agreements for the purchase of goods or services within the City Manager's spending authority, as provided by the City Code, agreements that do not otherwise involve the expenditure of funds and/or do not require the approval of the commission, and other agreements and documents of the City as authorized by the Charter, the commission or law.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Sec. 4.01. General provisions.

The city manager, with the approval of the city commission and in accordance with the provisions of this Charter, may establish, combine or discontinue departments or offices of the city in addition to those created by this Charter, in accordance with the provisions of this Charter, and may prescribe the functions of all departments and offices except that no function assigned by this Charter to a particular department or office may be discontinued or assigned to any other department or office unless permitted by this Charter.

(Ord. No. 79-92, § 4, 1-22-80, app. at ref. 3-4-80)

Sec. 4.02. Personnel system.

(a) *Merit Principle.* All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness.

(b) *Merit System.* Consistent with all applicable federal and state laws, the city commission shall provide for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to the effective administration of the city's employees, including but not limited to classification and pay plans, examinations, force reductions, removals, working conditions, provisional and exempt appointments, in-service training, and grievances.

(c) *Personnel advisory board.* There is hereby created the personnel advisory board, which shall be advisory to the city manager, composed of five (5) members. Two (2) members and two (2) alternates shall be appointed by the city commission, one member and one alternate shall be appointed by the city manager, and two (2) members and two (2) alternates shall be elected at large by the full-time city employees. Alternates shall serve in the absence of the member for whom he or she is an elected or appointed alternate. The members to be elected by the city employees shall be city employees who do not hold the position of department head or above. The terms of office for members of the personnel advisory board shall be for two (2) years. The personnel advisory board shall consider the appeal filed by any city employee from a disciplinary action, and make findings and recommendations to the city manager.

(d) *Appeal procedure.* All full-time city employees shall have the right to appeal any disciplinary decision of a department head to the personnel advisory board, which said appeal shall be in writing and filed in the manner prescribed by the personnel rules and regulations. No supervisor or department head shall delay, hinder or interfere with the filing of such appeal.

Sec. 4.03. City clerk.

There shall be a city clerk appointed and removed by the city manager, subject to approval of the city commission.

Sec. 4.04. Legal officer.

There shall be a legal officer appointed by the city manager, subject to approval of and removal by the city commission, who shall serve as legal advisor to the city commission, the city manager and all city departments and offices. The city commission may direct the legal officer to provide legal advice or legal representation to the city commission on specific matters identified by the city commission. The legal officer shall also represent the city in legal proceedings and shall perform any other duties prescribed by this Charter or by ordinance. The legal officer shall be under the day-to-day supervision of the city manager.

ARTICLE V. FINANCIAL MANAGEMENT

Sec. 5.01. Budget.

(a) *Budget.* The proposed budget prepared and submitted by the city manager shall provide a complete proposed financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the city commission may require. It shall begin with a clear general summary of its contents; shall show all estimated resources, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and actual and estimated expenditures of the preceding fiscal year. It shall indicate proposed operating and proposed capital expenditures during the ensuing fiscal year by departments and funds. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

(b) *Budget message.* The city manager's budget message shall outline the proposed financial policies of the city for the fiscal year, describe the important new or revised features of the proposed budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the city manager deems desirable or as requested by the city commission.

Sec. 5.02. Amendments to the budget after adoption.

(a) *Supplemental appropriations.* The city commission by ordinance may make supplemental appropriations during the fiscal year.

(b) *Emergency appropriations*. To meet a public emergency affecting life, health, property or the public peace, the city commission may make emergency appropriations by ordinance. An emergency ordinance may authorize the issuance of debt, which may be renewed.

(c) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city manager that the resources available will be insufficient to meet the amount appropriated, same shall be reported to the city commission without delay. Such report shall indicate the estimated amount of the deficit, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The city commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

(d) *Transfer of appropriations.* At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance within a department or office. The city commission may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or fund to another.

Sec. 5.03. Capital improvement program.

(a) *Submission to city commission.* The city manager shall prepare and submit to the city commission a five (5) year proposed capital improvement program not later than April 1 of each year.

(b) *Contents.* The capital improvement program shall include: a clear general summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates; method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the projects to be constructed or acquired.

(c) *Adoption.* The city commission shall adopt the capital improvement program by resolution at a public hearing with or without amendment on or before the 1st day of June of each year.

Sec. 5.04. Public records.

Copies of the budget and the capital improvement program as proposed and adopted shall be placed in the city's library and city clerk's office for free public reference, be made available for purchase by the public at a price as established by ordinance by the city commission, and be available on the City's website.

Sec. 5.05. Administration of budget.

(a) *Payments and obligations prohibited.* No payment shall be made or obligation incurred unless the city manager or his/her designee first ensures that sufficient funds will be available to meet the obligation when it becomes due and payable. Any payment or obligation authorized in violation of this Charter shall be void and any payment so made illegal; such action shall be cause for termination of any employee or official who knowingly authorized or made such payment or incurred such obligation, and such person shall also be liable to the city for any amount so paid.

(b) *Exception for bonds or obligations authorized by ordinance.* However, nothing in this section prevents the authorization of payments or contracts for capital improvements financed in whole or part by the issuance of bonds, or the making of contracts or leases that provide for payments beyond the end of the fiscal year, provided that such actions are approved by ordinance. However, contracts or leases that provide for payment beyond the end of the fiscal year, but that are subject to a fiscal non-funding clause that allows the Commission to terminate the contract or lease if funds are not appropriated, shall not require approval by ordinance.

Sec. 5.06. Debt.

The city commission shall have the power to authorize by ordinance, the issuance of debt payable from general revenues or otherwise as provided by law.

Sec. 5.07 Independent financial audit.

The city commission shall provide for an independent annual financial audit of all city finances and may provide for such more frequent financial or operational audits as it deems necessary. Such financial audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect,

in the fiscal affairs of the city or any of its officers. If the State of Florida makes such an audit, the city commission may accept it as satisfying the requirements of this section.

ARTICLE VI. LAND USE, DEVELOPMENT AND PLANNING

Sec. 6.01. Land use, development, and planning.

(a) Consistent with all applicable federal and state laws with respect to land use, development, and planning, the city commission shall:

(1) Designate a department to carry out the planning function, formulate and recommend changes to the city's comprehensive plan and such decision-making responsibilities as may be specified by ordinance;

(2) Establish a board to be the city's land use planning board which shall make recommendations to the city commission on planning matters and shall have decision-making and other responsibilities as may be specified by ordinance.

(b) The designated department, the city manager, and the mayor and commission shall seek to act in cooperation with other jurisdictions and organizations to promote integrated approaches to regional issues.

Sec. 6.02. Board of adjustment.

The city commission shall sit as a board of adjustment and shall establish standards and procedures to hear and determine appeals from land use, development and planning decisions, decisions on variances and such other matters as may be provided by the city commission or by law.

ARTICLE VII. NOMINATIONS AND ELECTIONS

Sec. 7.01. City elections.

(a) *Regular election.* The regular city election shall be held on the first Tuesday after the first Monday in November of each even numbered year.

(b) *Registered voters.* All residents of the City of Largo legally registered under the constitution and laws of the State of Florida to vote in the city shall be registered voters of the city within the meaning of this Charter.

(c) *Conduct of elections.* Except as otherwise provided by this Charter, the provisions of the election laws of the State of Florida shall apply to elections held pursuant hereto. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of challenge, the city commission shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter.

(Ord. No. 83-45, § 1, 9-6-83)

Sec. 7.02. Nominations.

(a) *Petitions.* Candidates for election for mayor and city commission shall be nominated by petitions signed by registered voters of the City of Largo not less in number than two hundred (200). The petitions will be available 45 days before the start of the qualifying period set by the City Commission. The form of the petitions shall be prescribed by the city commission, and shall include sufficient information to allow the Supervisor of Elections to verify the petitions, the date of signing, the name of the candidate and the office

and seat number for which the candidate is being nominated. The city clerk shall record the exact time when the petitions are filed.

(b) *Qualification Period.* The city commission shall establish by ordinance a 15 day qualification period for each election.

(c) *Procedure after filing.* Within seven (7) business days after the filing of the nominating petitions with the city clerk or his/her designee, the city clerk or his/her designee shall notify the candidate in writing whether or not the petitions satisfied the requirements prescribed by this Charter. For any petitions found to be insufficient, the city clerk or his/her designee shall notify the candidate of any petitions found to be insufficient. New petitions may be filed within the permitted time for filing petitions.

Sec. 7.03. Regular elections.

(a) *Composition of city commission.* The city commission shall be composed of members occupying seats numbered one (1) through six (6) inclusive and a mayor. All members of the city commission shall be elected at large by the registered voters of the City of Largo. The election for seats 1, 2, 5 and 6 will be held at the 2014 regular election, and every four (4) years thereafter. The election for the mayor and seats 3 and 4 will be held at the 2016 regular election, and every four (4) years thereafter.

(b) *Commission ballots.* The names of all candidates as nominated for the city commission, except those who have withdrawn, died or become ineligible, shall be placed on the ballot in accordance with this section. Candidates for mayor shall be grouped at the top of the ballot. Candidates for seats on the city commission shall be grouped according to the seat number for which they are candidates. Within those groups, names shall be placed on the ballot by lot and without party designation or symbol. If two (2) or more candidates for the same seat or office have the same name or names so similar as to be likely to cause confusion, their residence addresses shall also be placed with their names on the ballot. No candidate may seek election to more than one elective city office in any given election.

(c) *Determination of election results.* Every voter shall be entitled to vote for one (1) candidate for each office or seat to be filled. The candidate receiving the greater or greatest number of the votes cast for his or her office or seat shall be declared elected. All ties in the election shall be decided by lot in the presence of the candidates concerned and under the direction of the election authorities.

(d) *Canvassing board.* The members of the city commission who are not candidates with opposition for mayor or any seat on the city commission in the election being canvassed, shall serve as the canvassing board and shall meet not later than one (1) day after a city election for the purpose of certifying the results of the election. However, the Pinellas County canvassing board may canvass a city election when approved by the City Commission.

(e) *Commencement of term of office.* Within five (5) days after the results of the election have been certified, the oath of office shall be administered to the newly elected members of the city commission, at which time their respective terms of office shall commence.

ARTICLE VIII. INITIATIVE AND REFERENDUM

Sec. 8.01. General authority.

(a) *Initiative.* The registered voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital

improvement program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees or if prohibited by law.

(b) *Referendum.* The registered voters of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital improvement program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes or if prohibited by law.

Sec. 8.02. Commencement of proceedings; petitioners' committee.

Affidavit. Any seven (7) registered voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and present residence address, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Upon the filing of a circulator's affidavit in proper form and content, the effective date of the ordinance sought to be reconsidered, if said ordinance is appropriate for referendum under Section 8.01(b), shall be suspended for a period of forty-five (45) days from the final date of adoption.

Sec. 8.03. Petitions.

(a) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to at least five percent (5%) of the total number of registered voters registered to vote at the last regular city election.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed, or the ordinance sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within forty-five (45) days after final adoption by the city commission of the ordinance sought to be reconsidered.

Sec. 8.04. Procedure for verification.

(a) *Verification.* Verification of petitions filed for initiative and referendum shall follow the same procedure as city commission candidates.

(b) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 8.05. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is final determination of insufficiency of the petition, or

(2) The petitioners' committee withdraws the petition, or

(3) The commission repeals the ordinance, or

(4) Thirty (30) days have elapsed after the city commission certifies the results of the referendum election.

Sec. 8.06. Action on petitions.

(a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than forty-five (45) days nor later than six (6) months from the date of the final commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the city commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the city by the filing with the city clerk of a request for withdrawal signed by at least three-fourths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 8.07. Results of election.

(a) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.01. Prohibitions.

(a) *Activities prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or office because of race, sex, age, national origin, or political or religious opinions or affiliations.

(2) No person shall intentionally and knowingly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter

or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties.* Any person who by himself or herself or with others intentionally and knowingly violates any of the provisions of paragraphs (1) through (3) inclusive shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than sixty (60) days or both. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his or her office or position.

Sec. 9.02. Charter amendment.

Amendments to this Charter may be framed and proposed in the manner provided by law. At least once every seven (7) years, the city commission shall appoint a committee of at least seven (7) registered voters to review and recommend changes, if any, to the Charter. The members of this committee shall be appointed by the entire city commission and not as provided in Section 2.03 of this Charter.

Sec. 9.03. Requirements for publication.

Whenever this Charter requires the publication of a document, notice, or ordinance, the same shall be printed in one (1) or more newspapers of general circulation in the city.

Sec. 9.04. Severability.

If any provision of this Charter is held invalid by a court of competent jurisdiction, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any person or circumstance is held invalid by a court of competent jurisdiction, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

Sec. 9.05. Headings and subheadings.

The headings and subheadings as used herein are for reference purposes only and shall not be construed to limit any of the sections, paragraphs or provisions hereof.

Sec. 9.06. Appointments.

No person may serve as a member of any standing board or office of the City of Largo while that person is a member of another standing board or office of the city. A standing board or office for purposes of this provision shall be a board or office that is of continuing or perpetual existence and performs ongoing functions, as opposed to a committee, an ad hoc board or committee, a task force, or a board which will cease to exist on a specified date or does not perform an ongoing function. No employee of the City of Largo, including elected officials, may serve as a member of any board or office unless specifically authorized or permitted by this Charter or the city commission. However, nothing herein shall preclude any person from accepting any appointment provided that he or she resigns his or her position prior to or simultaneously with acceptance of the new appointment.

Sec. 9.07. Employee election provision.

No employee of the City of Largo shall be permitted to continue in said employment and hold office as mayor or other member of the city commission. Any employee who seeks elected office in the City of Largo shall resign his/her office or employment effective as of a date prior to or simultaneously with the filing of his/her nominating petition as provided in section 7.02 hereof.

Sec. 9.08 Appendix.

The commission shall have prepared an appendix to this Charter that shall provide a reference to state statutes, by topic and section, that relate to city operations and that the commission determines should be included for the convenience of those reviewing the Charter. The appendix shall be updated at least yearly. The appendix will not be a part of the Charter and may be amended without referendum approval.

Sec. 9.09. Corporate boundary.[1]

The corporate limits of the city shall consist of the boundaries of the city as established by preceding Charter and Laws of Florida, Ch. 72-596, or as enlarged or contracted pursuant to law, including but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. Ch. 171, as it now exists or as it may be renumbered or amended, and any county ordinance governing annexation in Pinellas County.

All ordinances of annexation of the city heretofore adopted and as may be adopted prior to the effective date of this Charter are hereby incorporated herein and the lands described in such ordinances, together with the boundaries of the city as described in Laws of Florida, Ch. 72-596, are hereby declared to be the corporate limits of the city.

Sec. 9.10. Definition of "days".

Whenever this Charter provides for some action be taken within a certain number of days, if those number of days is ten or less, the reference to "days" shall be considered business days. Whenever this Charter provides for some action to be taken within a certain number of days where the number of days exceeds ten, the reference to "days" shall be considered calendar days.

ARTICLE X. TRANSITIONAL PROVISIONS

Sec. 10.01. Officers and employees.

(a) *Rights and privileges preserved.* Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are elected officials or employees of the City of Largo at the time of its adoption.

(b) *Continuance of office or employment.* Except as specifically provided by this Charter, if at the time this Charter takes full effect, a city administrative officer or employee holds any office or position which is or can

[1]Editor's note(s)—Section 30, relative to boundaries, has been amended by chapter 72-596, Special Acts of Florida 1972, and by ordinances of annexation. The descriptions of the boundaries of the city are not included herein, but a complete description of the boundaries of the city is on file in the office of the city manager.

be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of the specific provision hereunder directing that he or she vacate the office or position.

(c) *Personnel system.* Any employee holding a city position at the time this Charter takes full effect, who was serving in the same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in section 4.02 hereof.

Sec. 10.02. Departments and offices.

(a) *Transfer of powers.* If any city department or office is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department or office designated in this Charter, or, if this Charter makes no provision, as designated by the city commission.

(b) *Property and records.* All property, records and equipment of any department or office existing when this Charter is adopted shall be transferred to the department or office assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one (1) or more departments or offices designated by the city commission in accordance with this Charter.

Sec. 10.03. Pending matters.

Any and all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the appropriate city department or office under this Charter.

Sec. 10.04. Ordinances and other laws.

(a) *In general.* All ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective shall remain in full force and effect until otherwise changed in accordance with this Charter.

(b) *Conflicting ordinances and other laws.* Any ordinances, parts of ordinances or other laws in conflict with this Charter are hereby repealed.

Sec. 10.05. City commission.

[Repealed]

Sec. 10.06. Reserved.

Editor's note(s)—Section 1 of Ord. No. 74-709, enacted May 14, 1974, abolished the municipal court which former § 10.06 pertained to. Said ordinance provided for the transferal of all pending cases to the traffic division of the County Court of Pinellas County.

Sec. 10.07. Effective date.

This Charter shall become effective when approved by the voters and filed in the manner prescribed by law.

APPENDIX

This Appendix is intended to provide those reviewing the City Charter a convenient list of state statutes that regulate city operations and may have some bearing on Charter provisions. This list is not intended to include every state statute that may be relevant to the city.

1. Chapter 50, Legal Advertisements.
2. Chapters 99-106, Election procedures, including early voting, procedure for contesting elections, registering to vote and voting, campaign finance, recall of elected officials, and participation of city employees in political campaigns.
3. Chapter 112, Part III, Code of Ethics for city officials and employees, conflicts of interest, doing business with the city and financial disclosures.
4. Chapter 119, Public records law.
5. Chapter 162, Code enforcement.
6. Chapter 163, Part II, Growth management, Land use planning.
7. Chapter 163, Part III, Community redevelopment.
8. Chapter 166, Part I, General provisions regarding municipalities, including procedures for adoption of ordinances and resolutions, Charter amendments, city electors.
    a. §166.021, Municipal Home Rule Act
9. Chapter 166, Part II, Municipal borrowing.
10. Chapter 166, Part III, Municipal finance and taxation.
11. Chapter 166, Part IV, Eminent Domain
12. Chapter 170, Special assessments.
13. Chapter 171, Annexation.
14. Chapter 173, Foreclosure of municipal tax and special assessment liens.
15. Chapter 175, Firefighter pensions.
16. Chapter 180, Public works.
17. Chapter 185. Police pensions.
18. Chapter 200, Procedures for adoption of millage rate and budget.
19. Chapter 205, Occupational license, taxes
20. Chapter 206, Motor and other fuel taxes (biodiesel exemption)
21. Chapter 215, Bonus and severance pay of municipal employees
22. Chapter 286, Sunshine Law; public's right to be heard at meetings.
23. Chapter 316, State Uniform Traffic Control-red light camera enforcement
24. Chapter 373, Waters Resources (permitting; stormwater adaptive management plans)
25. Chapter 467, Labor organizations.

26. Chapter 760, Discrimination, civil rights.
27. Chapter 768, Sovereign immunity.
28. Chapter 823, Public nuisances.
29. Chapter 839, Offenses by public officials and employees.

Sec. 2-307. Municipal general elections.

(a) Except as otherwise provided by the city Charter and this Code, the provisions of the election laws of the state shall apply to city municipal general elections.

(b) Space shall be made available at city facilities for the placement of campaign materials by candidates beginning ten days after the end of the qualifying period. Candidates shall be responsible for such placement, and individual distribution of materials is prohibited. Candidates shall be responsible for removal of such materials within seven days after the election.

(c) Space shall be designated by the city clerk at those city facilities being used as polling places for the placement of campaign signs. The location shall be selected so that the signs are visible to those visiting the polling place, but not intrusive or otherwise interfere with the voters' exercise of their right to vote or the public's use of the facility. Signs may only be placed at the polling place on election day. The political campaign sign provisions of the state statutes and the city's comprehensive development code which govern total signage area at each polling place, amongst other regulations, are applicable.

(d) City staff shall remove illegally erected campaign signs and notify candidates, one time only per candidate per election, of such illegally placed signs. City staff will store the first ten (10) illegally placed signs of each candidate that have been removed pursuant to this section in a location where the signs may be retrieved by the candidates. If more than ten (10) illegally placed signs for any candidate are removed by city staff, the candidate will not be allowed to retrieve any more than ten (10) confiscated signs until after election day. Any signs not retrieved by a candidate within five (5) days after the election shall be disposed of by the City.

(e) Violations of subsection (e) of this section shall be reported to the city clerk for enforcement by code enforcement staff, with the exception of violations of the state statutes.

(f) Distribution of petitions to city employees at city facilities during working hours is prohibited.

(g) The outcome of municipal general elections for commission seats and the mayor shall be determined by the candidate receiving the greatest number of votes for each seat. The outcome of the election on individual referendum questions, if any, shall be determined by a simple majority.

(h) The city clerk shall be authorized to contract with the county supervisor of elections to conduct each municipal general election and tabulate all ballots at the elections service center.

(i) All violations of this Code or the city Charter pertaining to elections shall be reported to the city clerk. If it is reported to the city clerk that a candidate has violated a provision of the city Charter or this Code, city staff will advise the complaining party to report the matter to the state attorney's office or other appropriate entity to enforce and/or investigate the allegations.

(j) The city clerk is not responsible for the enforcement or investigation of alleged violations of the Florida Election Code. However, if it is reported to the city clerk that a candidate has violated the Florida Election Code, the city clerk will advise the complaining party that the city has no jurisdiction over the Florida Election Code and refer the complaining party to the Florida Elections Commission. All complaints of violations of the Florida Election Code should be reported directly to the Florida Elections Commission by the complaining party.

(k) Campaign treasurer's reports shall be submitted to the city clerk, and the city clerk will review such reports to verify information for completeness and allow amendments as provided by law.

(l) The city clerk shall conduct a training session on campaign financing, political sign regulations, the applicable Charter provisions, and related issues once prior to and once after the qualifying period. All candidates and campaign treasurers will be strongly encouraged to attend.

(m) The city canvassing board shall make any decisions regarding election protests and/or automatic recounts or requests for recounts.

(n) A majority of the members of the city canvassing board shall verify logic and accuracy test results. The supervisor of elections shall send certifications to the state division of elections.

(o) When candidates submit petitions to the city clerk, the city clerk shall count petitions when submitted and prior to forwarding to the supervisor of elections for verification. The city clerk shall remove petitions that do not meet city Charter requirements prior to forwarding the petitions to the supervisor of elections. Candidates shall determine the number of petition cards in excess of 200 to be verified by the supervisor of elections and shall provide that information to the City Clerk, in writing, upon the candidate's submittal of the petition cards.

(p) The city clerk will provide candidates with a candidate guide which will include, but not necessarily be limited to, the Florida Election Code, campaign treasurer's report forms and a schedule of due dates for campaign treasurer's reports.

(Ord. No. 2006-06, § 1, 1-3-2006; Ord. No. 2007-37, §§ 1, 2, 6-19-2007; Ord. No. 2008-40, §§ 1, 2, 5-20-2008; Ord. No. 2011-26, § 1, 5-17-2011; Ord. No. 2014-69, § 1, 7-1-2014)

CITY OF LARGO
YOUR COMMUNITY OF CHOICE Naturally

CITY OF LARGO DEPARTMENT DIRECTORS

DEPARTMENT	DIRECTOR	TELEPHONE NUMBER
Communications and Engagement	Kate Oyer koyer@largo.com	586-7455, ext. 5020
Community Development	Cheryl Reed creed@largo.com	587-6740, ext. 7300
Engineering Services	Jerry Woloszynski jwoloszy@largo.com	587-6713, ext. 4400
Finance	Rebecca Spuhler rspuhler@largo.com	587-6719, ext. 6747
Fire Rescue Department	Chad Pittman (Chief) cpittman@largo.com	587-6714, ext. 2005
Human Resources	Kimberly Nicholls (Asst. Dir.) knicholls@largo.com	587-6716, ext. 6776
Information Technology	Dan Penning dpenning@largo.com	587-6746, ext. 6746
Library	Casey McPhee cmcphee@largo.com	587-6715, ext. 2500
Office of Performance and Budget	Will Payne (Manager) msemones@largo.com	586-7669
Police Department	Mike Loux (Chief) mloux@largo.com	586-6707, ext. 7389
Recreation, Parks and Arts	Krista Pincince kpincinc@largo.com	587-6720, ext. 5001
Utilities	Shelby Beauchemin sbeauche@largo.com	507-4470, ext. 4470

ADMINISTRATION DEPARTMENT

City Manager	John P. Curp jcurp@largo.com	587-7454
Assistant City Manager	Maggie Paluch mpaluch@largo.com	588-1695
Assistant City Manager	Meridy Semones msemones@largo.com	587-6740, ext. 7600
City Attorney	Alan Zimmet cmiller@bmolaw.com	587-6744
City Clerk	Diane L. Bruner dbruner@largo.com	587-6710, ext. 7003
Deputy City Clerk	Courtney Fogarty cfogarty@largo.com	587-6710, ext. 7002

CITY OF LARGO
2024 MUNICIPAL GENERAL ELECTION
November 5, 2024

STEPS TO QUALIFYING

1. Campaign Treasurer and Campaign Account

   - Complete **Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates** form and file with City Clerk
   - Open campaign account
   - Complete **Statement of Candidate** form - must be filed within 10 days after the **Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates** form is filed
   - Schedule training on EasyVote Campaign Finance reporting system

2. Pick up petition cards from City Clerk's Office and submit **Candidate Receipt of Petition Cards** Form. Each candidate will be provided with 250 petition cards, as well as Spanish language cards. Any additional cards needed can be printed by the candidate

3. Circulate petitions (200 valid signatures needed)

4. Complete the following forms and file with City Clerk along with petition cards during the pre-Qualifying or Qualifying periods:

   - **Form 6 Statement of Financial Interests** - *Candidates who are already required to file a Form 6 with the State may submit a copy of his/her 2023 form. Incumbents*
   - **Candidate Oath - must be filled out exactly as candidate would like name to appear on ballot**
   - **Notice of Pre-Election Test of Voting Equipment Notice/Right to Review Absentee Ballots**
   - **Residency Oath**
   - **Certification of Receipt of Notice of Penalty for Late Filing of Campaign Treasurer's Reports**
   - **Candidate Receipt of City Charter**
   - **Submission of Petitions form**

5. Remit payment to City Clerk for state election assessment and petition signature verification.

APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the filing officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☐ Initial Filing of Form ☐ Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last): (Please Print or Type Name)	**3. Address** (include PO Box or Street, City, State, Zip Code):

4. Telephone: ( )	**5. Candidate's Voter Registration #:** _____ (not required for qualifying purposes)	**6. Email Address:**

7. Office Sought (include district, circuit, group, or seat #):	**8. If a candidate for a nonpartisan office, check the box if applicable:** ☐ I intend to run as a Write-In Candidate.

9. If a candidate for partisan office, check the box and fill in the name of the party as applicable: I intend to run as a

☐ Write-In Candidate. ☐ No Party Affiliation Candidate. ☐ _____ Party candidate.

10. I have appointed the following person to act as my: ☐ Campaign Treasurer ☐ Deputy Treasurer

11. Name of Treasurer or Deputy Treasurer:	**12. Telephone:** ( )	**13. Email Address:**

14. Mailing Address:	**15. City:**	**16. State:**	**17. Zip Code:**

18. I have designated the following bank as my (check appropriate box): ☐ Primary Depository ☐ Secondary Depository

19. Name of Bank:	**20. Address:**

21. City:	**22. County:**	**23. State:**	**24. Zip Code:**

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR THE APPOINTMENT OF THE CAMPAIGN TREASURER AND DESIGNATION OF THE CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date:	**26. Signature of Candidate:** X

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate box)

I, _____ do hereby accept the appointment designated above as:
(Please Print or Type Name)

☐ Campaign Treasurer. ☐ Deputy Treasurer.

28. Date:	**29. Signature of Campaign Treasurer or Deputy Treasurer** X

STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

I, _____ ,

candidate for the office of _____ ;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X _____ _____

Signature of Candidate Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to $1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

CITY OF LARGO
YOUR COMMUNITY OF CHOICE Naturally

CANDIDATE RECEIPT OF PETITION CARDS

I, _____, a candidate for:

City Commission Seat No. 3 _____

City Commission Seat No. 4 _____

Mayor _____

and having appointed a Campaign Treasurer and designated a primary depository, have requested and received from the City of Largo, Office of the City Clerk, _____petition cards. **I understand and acknowledge that prior to being signed, the petition cards MUST be completed with the candidate's name and office and seat number sought.**

_____ _____

Signature of Candidate Date

****PETITION CARDS MUST BE SUBMITTED BY 5:00 PM ON THURSDAY, AUGUST 1, 2024****

Link to Form 6:

Login - Electronic Financial Disclosure Management System (floridaethics.gov)

CANDIDATE OATH

NONPARTISAN OFFICE

(Do not use this form if a Judicial or School Board Candidate)
Check box ***only*** if you are seeking to qualify as a write-in candidate:

☐ Write-in candidate

OFFICE USE ONLY

Candidate Oath

Name to appear on ballot: _____

Check box if two last names without hyphen. ☐ ***(Name cannot be changed after qualifying.)***

Check box if name includes nickname. ☐ ***(For use of a nickname, you must complete the Nickname Affidavit on reverse side.)***

I swear or affirm that I am a candidate for the nonpartisan office of _____ (*Office*), _____ (*District #*),

_____ (*Circuit #*), _____ (*Group or Seat #*); I am a qualified elector of _____ **County**, Florida;

I am a qualified elector under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Statement of Outstanding Fines, Fees, or Penalties

I owe outstanding fines, fees, or penalties, that cumulatively exceed $250, for ethics or campaign finance violations (*s. 99.021(1)(d), F.S.).*

YES, I Do _____ ***NO, I Do Not*** _____

If you do, you must also specify the amount owed and each entity that levied the same on the reverse side.

X _____ **( )** _____

Signature of Candidate | Telephone Number | Email Address

_____

Address of Legal Residence | City | State | ZIP Code

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ *OR* physical presence ☐

this _____ day of _____, 20____.

Personally Known ☐ *OR* Produced Identification ☐

Type of Identification Produced: _____

_____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Phonetic Spelling of Name

Phonetic spelling for the audio ballot (not required for qualifying purposes)**:** Print the name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 3 of this form):

_____

Statement of Outstanding Fines, Fees or Penalties

Pursuant to Section 99.021(1)(d), F.S., each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed $250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106.

Amount	***Entity***

Affidavit of Nickname (Only required if using nickname for the ballot.)

My legal name is _____. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

My nickname is _____. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. My nickname does not imply I am some other person, constitute a political slogan or otherwise associate me with a cause or issue, or that is obscene or profane.

Signature of Candidate: _____

STATE OF FLORIDA

COUNTY OF _____

_____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by means

of online notarization ☐ *OR* physical presence ☐

this _____ day of _____, 20____.

Personally Known ☐ *OR* Produced Identification ☐

Type of Identification Produced:_____

DO NOT SUBMIT THIS PAGE TO THE FILING OFFICER

Guide for Designating Phonetic Spelling of Candidate's Name for Audio Ballot

1. Use the tables below.
2. Use upper case for "stressed" syllables. Use lowercase for "unstressed" syllables.
3. Use dashes (-) to separate syllables.
4. Add any notes such as rhyming examples, silent letters, etc.

Vowels			
Stressed Vowel Sounds		***Unstressed Vowel Sounds***	
EE	(FEET) f*ee*t	uh	(SO-fuh) sofa (FING-guhr) finger
I	(FIT) f*i*t		
E	(BED) b*e*d		
A	(KAT) c*a*t (KAD) c*a*d		
AH	(FAH-thur) f*a*ther (PAHR) p*a*r		
AH	(HAHT) h*o*t (TAH-dee) t*o*ddy		
UH	(FUHJ) f*u*dge (FLUHD) fl*oo*d		
UH	(CHUHRCH) ch*u*rch		
AW	(FAWN) f*aw*n	***Certain Vowel Sounds with R***	
U	(FUL) f*u*ll	AHR	(PAHR) p*ar*
OO	(FOOD) f*oo*d	ER	(PER) p*air*
OU	(FOUND) f*ou*nd	IR	(PIR) p*eer*
O	(FO) f*oe*	OR	(POR) p*our*
EI	(FEIT) f*i*ght	OOR	(POOR) p*oor*
AI	(FAIT) f*a*te	UHR	(PUHR) p*urr*
OI	(FOIL) f*oi*l		
YOO	(FYOOR-ee-uhs) f*ur*ious		
Consonants			
B	(BED) *b*ed	R	(RED) *r*ed
D	(DET) *d*ebt	S	(SET) *s*et
F	(FED) *f*ed	T	(TEN) *t*en
G	(GET) *g*et	V	(VET) *v*et
H	(HED) *h*ead	Y	(YET) *y*et
HW	(WHICH) *wh*ich	W	(WICH) *w*itch
J	(JUHG) *j*ug	CH	(CHUCRCH) *ch*urch
K	(KAD) *c*ad	SH	(SHEEP) *sh*eep
L	(LAIM) *l*ame	TS	(ITS) i*ts* (PITS-feeld) Pi*tts*field
M	(MAT) *m*at	TH	(THEI) *th*igh
N	(NET) *n*et	TH	(THEI) *th*y
NG	(SING-uhr) si*ng*er	ZH	(A-zhuhr) azure (VI-zhuhn) vision
P	(PET) *p*et	Z	(GOODZ) goods(HUH-buhz-tuhn) Hubbardston

Examples of Phonetically Spelled Names	
NAME ON BALLOT	**PRONOUNCED AS**
Mishaud	mee-SHO ('d' is silent)
Jahn	HAHN (rhyme: fawn)
Beauprez	boo-PRAI (rhyme: hooray)
Maniscalco	man-uh-SKAL-ko
Tangipahoa	TAN-ji-pah-HO-uh
Monte	Mahn-TAI
Tanya	TAWN-yuh (not TAN)

DO NOT SUBMIT THIS PAGE TO THE FILING OFFICER

CITY OF LARGO
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RESIDENCY OATH

(CITY CHARTER 2.02)

I, _____, a citizen of the State of Florida and of the United States, and a candidate for public office, do hereby solemnly swear or affirm that I am now and will have been a resident in the City of Largo for a period of one year immediately prior to the date when I would take office if elected, and that I am a registered voter in the City of Largo, Florida.

or

I _____, a citizen of the State of Florida and of the United States, and a candidate for public office, do hereby solemnly swear or affirm that I am a resident in the City of Largo whose residence was annexed into the city during the year immediately prior to the date when I would take office if elected and I have resided continuously at that residence for one (1) year immediately prior to the date when I would take office if elected, and that I am a registered voter in the City of Largo, Florida.

_____ _____
Signature Date

STATE OF FLORIDA }
COUNTY OF PINELLAS }

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ by _____, who is personally known to me or who has produced _____as identification.

_____
(Signature of person taking acknowledgment)

_____
(Name typed, printed, or stamped)

_____
(Title or rank)

_____
(Serial number, if any)

CERTIFICATION OF RECEIPT OF NOTICE OF PENALTY FOR LATE FILING OF CAMPAIGN TREASURER'S REPORTS

Section 106.07(8)(b) and (c), F.S.

I hereby certify that I have received this notice that any candidate failing to file a report on the designated due date shall be subject to a fine of $50 for the first three (3) days late, and, thereafter, $500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be $500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Fines for late termination reports will be assessed at $50 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

A candidate shall pay this fine from his/her personal funds. The fine is assessed by the filing officer (City Clerk) and must be paid within twenty (20) days of receipt of notice of the payment due. Any candidate may appeal or dispute the fine and may request and shall be entitled to a hearing before the Florida Elections Commission. Requests shall be made within 20 days after receipt of the notice of payment due. If a candidate intends to bring the matter before the Florida Elections Commission, he/she shall notify the filing officer in writing within the 20-day period.

_____

Candidate's Signature

_____

Date

CITY OF LARGO
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CANDIDATE RECEIPT OF CITY CHARTER

A copy of the City Charter is made a part of the Candidate Guide. Article VII specifically addresses Elections, however the entire Charter should be reviewed by each candidate.

I, _____, candidate for the office of

_____; have received, read and understand the

requirements of the City Charter as it applies to the City Election.

_____ _____

Signature of Candidate Date

CITY OF LARGO
YOUR COMMUNITY OF CHOICE Naturally

SUBMISSION OF PETITION CARDS

I hereby submit my nomination and _____ (number) complete petitions for:

City Commission Seat No. 3_____ Mayor _____

City Commission Seat No. 4_____

I understand the Largo City Charter, Article VII, Section 7.02(a) requires, as part of the nomination process, that I submit a minimum of two hundred (200) petitions signed by qualified voters residing within the City of Largo. I also understand it is my responsibility to check the quantity of petitions I have received to ensure that I have enough to qualify, because additional petitions may not be submitted after the end of the qualifying period.

The Pinellas County Supervisor of Elections Office will verify voters' signatures. The charge per petition card processed is $.10. I understand that I will be billed by the City of Largo for this service.

I choose to have _____ petitions submitted to the Pinellas County Supervisor of Elections Office for signature verification.

_____ _____
Signature Date & Time

Number of Petitions Received _____

_____ _____
City Clerk Date & Time

CITY OF LARGO
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ELECTION ASSESSMENT

Florida Statutes Section 99.093, provides that:

1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all assessments collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund.

2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the qualifying officer, be exempt from paying the election assessment.

The annual salary of a Largo City Commissioner is $19,334.64. Candidates for City Commissioner must submit an election assessment in the amount of $193.35. The salary for the Mayor is $28,999.10, therefore the assessment is $289.99. Checks should be made payable to the City of Largo.

_____	_____	_____
ASSESSMENT RECEIVED	CHECK NUMBER	DATE

CITY OF LARGO

2024 MUNICIPAL GENERAL ELECTION

CAMPAIGN TREASURERS REPORTING SCHEDULE

Report	Code	Period Covered	Due Date
Quarterly	Q1-24	January 1 – March 31, 2024	April 10, 2024
Quarterly	Q2-24	April 1 – June 30, 2024	July 10, 2024
Quarterly	Q3-24	July 1 – August 15, 2024	August 26, 2024
60th Day Before Election	G1-24	August 16 – August 30, 2024	September 6, 2024
46th Day Before Election	G2-24	August 31 – September 13, 2024	September 20, 2024
32nd Day Before Election	G3-24	September 14 – September 27, 2024	October 4, 2024
25th Day Before Election	G4-24	September 28 – October 4, 2024	October 11, 2024
18th Day Before Election	G5-24	October 5 – October 11, 2024	October 18, 2024
11th Day Before Election	G6-24	October 12 – October 18, 2024	October 25, 2024
4th Day Before Election	G7-24	October 19 – October 31, 2024*	November 1, 2024
Termination	TRG-24**	November 1 – Account Closure	February 3, 2025

* No contributions may be accepted after October 31, 2024
**If a candidate withdraws from the election or is automatically elected when no one qualifies as opposition, the termination report is due 90 days from the date of withdrawal or election.

Candidate and Campaign Treasurer Handbook

(2024 Election Cycle)

Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6280

(Rev. 7/2023)

Table of Contents

Chapter 1: Background 1
Other Resources and Websites 1
Chapter 2: Campaign Financing 3
Chapter 3: Glossary of Terms 4
Chapter 4: Becoming a Candidate 8
When and What to File 8
Filing Officer 9
Resign-to-Run 9
Federal Hatch Act for Federal, State and Local Employees 10
Changing Parties for Partisan Offices 11
Changing the Designation of Office 11
Pro Rata Refund 12
Pro Rata Refund Example 12
Chapter 5: Statement of Solicitation 13
Who Must File a Statement of Solicitation 13
When to File 13
Penalty for Late Filing 13
Public Website and Mission Statement 13
Additional Reporting 14
Chapter 6: Prohibited Acts 15
Speaking at Political Meetings 15
Using State-Owned Aircraft or Motor Vehicle 15
Using Services of State, County, Municipal, or District Officers or Employees 15
Making Contributions in the Name of Another 15
Solicitation from Religious, Charitable and Civic Organizations 16
Accepting Contributions in a Government-Owned Building 16
Making Malicious Statements 16
Making False Representation of Military Service 16
Certifying a False Report 17
Limitations on Political Activity for Judicial Candidates 17
Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC) 18

Chapter 7: Campaign Treasurers 19
Appointing Campaign Treasurers and Deputy Treasurers 19
Duties and Responsibilities 20
Resignation or Removal 21
Chapter 8: Campaign Depositories 22
Primary Campaign Depository 22
Secondary Campaign Depository 23
Separate Interest-Bearing Accounts and Certificates of Deposit 23
Changing Depository 23
Campaign Checks 24
Credit Cards 24
Debit Cards 25
Chapter 9: Contributions 26
Unauthorized Contributions 26
Anonymous Contributions 27
In-Kind Contributions 27
Loans 28
Cash Contributions 28
Money Order, Debit and Credit Card Contributions 29
Contribution Limits for Candidates 29
Foreign Contributions 30
Deadlines for Accepting Contributions 30
Violations 30
Chapter 10: Expenditures 32
Definition 32
General Requirements 32
Checks 33
Living Expenses 33
Petty Cash Funds 33
Limits on Petty Cash Fund Amounts 34
Independent Expenditures 34
Credit Cards 36
Debit Cards 36

Expenditures for Electioneering Communications 37
Chapter 11: Electioneering Communications 38
Definition 38
Electioneering Communication Disclaimers 39
Electioneering Communication Telephone Call Disclaimer 39
Penalty for Electioneering Communication Disclaimer Violation 39
Chapter 12: Political Advertising 40
Candidate Disclaimers 40
Exceptions to Disclaimer Requirements 40
Examples of Advertisements with Disclaimers 41
Disclaimer for Write-in Candidates 43
Non-incumbent Advertisements 44
Advertisement Provided In-kind 44
Chapter 13: Other Disclaimers 45
Endorsements in Political Advertisements 45
Independent Expenditure Disclaimers 46
Disclaimers for Other than Independent Expenditures 47
Disclaimers on Novelty Items 47
Other Political Disclaimer Examples 48
Miscellaneous Advertisements 49
Electioneering Communications Disclaimers 49
Language Other Than English 49
Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts 50
Chapter 14: Fund Raisers 51
Contributions from Fund Raisers 51
Expenditures for Fund Raisers 51
Tickets 51
Chapter 15: Text Message or Telephone Solicitation 52
Disclosure Requirements 52
Prohibitions 52
Written Authorization Requirements 53
Penalties 53
Registered Agent 53

Chapter 16: Filing Campaign Reports 55
Where to File 55
When to File 55
Penalty for Late Filing 56
Notice of No Activity 57
Special Election Reports 57
Incomplete Reports 57
Reporting Total Sums 57
Reporting Contributions 58
Returning Contributions 58
Reporting Expenditures 59
Reporting Other Distributions 60
Special Requirements for Judicial Retention Candidates 60
Chapter 17: Termination Reports 61
Prior to Disposing of Surplus Funds 61
Disposing of Surplus Funds 62
Content of Report 62
Money from Separate Interest-Bearing Account or Certificate of Deposit 63
Campaign Loans Report 63
Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee 64
Where to File 64
When to File 64
Termination Reports Not Required 65
Penalty for Late Filing 65
Incomplete Reports 65
Reporting Requirements 65
Chapter 19: Electronic Filing of Campaign Reports 67
Accessing the EFS 67
Creating Reports 67
Submitting Reports 68
Electronic Receipts 68
Help Line and User Guide 68

Chapter 20: Office Accounts 69
Transfer Limits 69
Using the Office Account 69
Reporting Office Account Funds 70
Chapter 21: Carryover Campaign Funds 72
Chapter 22: Recordkeeping 73
Contributions 73
Expenditures 73
Preservation of Accounts 74
Inspections 75
Chapter 23: Recordkeeping Tips 76
Chapter 24: Florida Elections Commission 77
Automatic Fine Appeal Process 77
Complaint Process 77
Appendix A: Legal References and Rules Cited 79
Constitution 79
Florida Election Code 79
Florida Statutes 79
Florida Administrative Code 80
Forms 80
Division of Elections Advisory Opinions 81
Campaign Finance Reporting Guides and System 81
Code of Judicial Conduct 81
Appendix B: Frequently Asked Questions 82
Candidates 82
Campaign Finance 83
Appendix C: Deadlines for Accepting Contributions 88

Chapter 1: Background

This handbook serves only as a quick reference guide for candidates and campaign treasurers.

This handbook is not a substitute for the Florida Election Code or applicable constitutional and rule provisions, the text of which controls. Chapters 97-106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

In addition, the following online publications produced by the Division of Elections should be reviewed for further information:

- State Qualifying Handbook
- Candidate Petition Handbook
- Candidate Electronic Filing System User's Guide
- Calendar of Reporting Dates

All applicable forms and publications are publicly available on the Division's website at dos.myflorida.com/elections/forms-publications.

Please direct any questions to either your county supervisor of elections or the Division at **850.245.6280**. (See also Appendix B: Frequently Asked Questions.)

Other Resources and Websites

Florida Supervisors of Elections:
dos.myflorida.com/elections/contacts/supervisor-of-elections

Florida Association of City Clerks:
www.floridaclerks.org

Florida Elections Commission:
www.fec.state.fl.us

Federal Election Commission:
www.fec.gov

Florida Elected Officials:
dos.myflorida.com/elections/contacts/elected-officials

Florida Attorney General:
myfloridalegal.com

Florida State Courts:
www.flcourts.org

Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC):
www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/subjectopinions/Elections/elections.html

Judicial Ethics Advisory Committee:
https://jeac.flcourts.gov/

Chapter 2: Campaign Financing

Chapter 106, Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, electioneering communications organizations, affiliated party committees, and political parties. ***It does not regulate campaign financing for candidates for federal office. Federal campaign finance law is administered by the Federal Election Commission.***

Note: Individuals seeking a publicly elected position on a political party executive committee who receive contributions or make expenditures must comply with Section 106.0702, Florida Statutes, regarding reporting requirements. (See Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.)

The Division:

- Oversees the interpretation of and provides guidance on the election laws.

  (Section 97.012(1), Fla. Stat.)

- Provides advisory opinions to supervisors of elections, candidates, local officers having election-related duties, political parties, political committees, or other persons or organizations engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such person or entity has taken or proposes to take.

  (Section 106.23(2), Fla. Stat.)

- Conducts audits with respect to reports and statements filed under Chapter 106, Florida Statutes.

  (Section 106.22(6), Fla. Stat.)

- Reports to the Florida Elections Commission any apparent violations of Chapter 106, Florida Statutes.

  (Section 106.22(7), Fla. Stat.)

- Prescribes rules and regulations to carry out the provisions of Chapter 106, Florida Statutes.

  (Sections 106.22 and 106.23, Fla. Stat.)

Chapter 3: Glossary of Terms

Affiliated Party Committee: A separate, affiliated party committee established by the President of the Senate, the Speaker of the House of Representatives, or the minority leaders of either house of the Legislature, to support the election of candidates of the respective leader's political party.

(Section 103.092(1)-(2), Fla. Stat.)

Campaign Fund Raiser: Any affair held to raise funds to be used in a campaign for public office.

(Section 106.011(1), Fla. Stat.)

Campaign Treasurer: An individual appointed by a candidate or political committee as provided in Chapter 106, Florida Statutes.

(Section 106.011(2), Fla. Stat.)

Candidate: (See Chapter 4: Becoming a Candidate; Sections 97.021(7) and 106.011(3), Florida Statutes.)

Contribution: (See Section 106.011(5), Florida Statutes; and Chapter 9: Contributions.)

Division: The Division of Elections of the Florida Department of State.

(Section 97.021(9), Fla. Stat.)

Election: Primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, selecting a member of a political party executive committee, or submitting an issue to the electors for their approval or rejection.

(Section 106.011(7), Fla. Stat.)

Electioneering Communication: (See Sections 106.011(8)(a) and 106.011(8)(b), Florida Statutes, for what term does not include; and Chapter 11: Electioneering Communications.)

Electioneering Communications Organization: Any group – other than a political party, affiliated party committee, or political committee – whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under Chapter 106, Florida Statutes.

(Section 106.011(9), Fla. Stat.)

Expenditure: (See Section 106.011(10), Florida Statutes; and Chapter 10: Expenditures.)

Filing Officer: The person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers.

(Section 106.011(11), Fla. Stat.)

General Election: An election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(Section 97.021(17), Fla. Stat.)

Independent Expenditure: (See Section 106.011(12), Florida Statutes; and Chapter 10: Expenditures.)

In-Kind Contribution: (See In-Kind Contributions under Chapter 9: Contributions; and Division of Elections Advisory Opinion 04-06.)

Judicial Office: Includes the office of Justice of the Supreme Court, judge of a district court of appeal, judge of a circuit court, and county court judge. A judicial office is a nonpartisan office, and a candidate for election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation.

(Section 105.011, Fla. Stat.)

Minor Political Party: Any group which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state.

(Sections 97.021(20) and 103.095, Fla. Stat.)

Nominal Value: Having a retail value of $10 or less.

(Section 97.021(22), Fla. Stat.)

Nonpartisan Office: An office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(Section 97.021(23), Fla. Stat.)

Office Account: A candidate elected to office or a candidate who will be elected to office by virtue of their being unopposed may transfer funds from the campaign account to an office account up to limits listed under Section 106.141(5), Florida Statutes. This fund must be used only for legitimate expenses in connection with the candidate's public office.

(Section 106.141, Fla. Stat.)

Person: An individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party,

affiliated party committee, or political committee.

(Section 106.011(14), Fla. Stat.)

Petty Cash: Cash accumulated pursuant to statutory limits and spent in amounts of less than $100 to be used only for office supplies, transportation expenses, and other necessities by the candidate.

(Sections 106.07 and 106.12, Fla. Stat.)

Political Advertisement: (See Section 106.011(15), Florida Statutes; and Chapter 12: Political Advertising.)

Political Committee: A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of $500 during a single calendar year, (a) accepts contributions for the purpose of making contributions to any candidate, political committee, affiliated party committee, or political party; (b) accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or an issue; (c) makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or (d) makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party. The term does not cover national political parties, the state and county executive committees of political parties, and affiliated party committees regulated by Chapter 103, Florida Statutes; corporations formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities; or electioneering communications organizations.

(Section 106.011(16), Fla. Stat.)

Political Party: A group that nominates candidates for office and whose state organization shall be represented by a state executive committee.

(Sections 100.061 and 103.091, Fla. Stat.)

Primary Election: An election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.

(Section 97.021(31), Fla. Stat.)

Public Office: A state, county, municipal, or school or other district office or position that is filled by vote of the electors.

(Section 106.011(17), Fla. Stat.)

Special Election: Called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(Section 97.021(36), Fla. Stat.)

Special Primary Election: A special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(Section 97.021(37), Fla. Stat.)

Statewide Office: Governor, Cabinet, and Supreme Court Justice.

Unopposed Candidate: A candidate for nomination or election to an office who, after the last day on which a person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of a primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under Section 100.111(3), Florida Statutes, if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

(Section 106.011(18), Fla. Stat.)

Chapter 4: Becoming a Candidate

A candidate is a person who:

- Seeks to qualify for nomination or election by means of the petition process;
- Seeks to qualify for election as a write-in candidate;
- Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about their nomination or election to, or retention in, public office;
- Appoints a treasurer and designates a primary depository; or
- Files qualification papers and subscribes to a candidate's oath as required by law.

This definition does **not** include an individual seeking a publicly elected position for a political party executive committee.

(Sections 97.021(7) and 106.011(3), Fla. Stat.)

When and What to File

Form DS-DE 9, **Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates**, is the first document that must be filed with the filing officer to become a candidate. At the same time, the candidate must designate the office for which they are running. A candidate can appoint a campaign treasurer and designate a campaign depository at any time, but **no later** than the date the candidate qualifies for office, and **before** any contributions are received, any expenditures are made, and any signatures are obtained on a candidate petition. Nothing prohibits a person from announcing their intention to become a candidate prior to filing Form DS-DE 9, ***as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition***. (See Chapter 7: Campaign Treasurers.)

Form DS-DE 9 must be filed with the filing officer**:**

- **Prior** to opening the campaign account.
- **Prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
- **Prior** to obtaining signatures on a DS-DE 104, Candidate Petition.

Note: The form is considered "filed" only when the filing officer receives the form (not upon mailing) **and** determines that the form is complete.

Form DS-DE 84, **Statement of Candidate**, must be filed with the filing officer within **ten days** after filing Form DS-DE 9. This form states that the candidate has been provided access to read and understand the requirements of Chapter 106, Florida Statutes. The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of Chapter 106, Florida Statutes, or Chapter 104, Florida Statutes, is a willful violation. An individual seeking election to a political party executive committee is **not** required to file Form DS-DE 84.

Form DS-DE 83, **Statement of Candidate for Judicial Office**, must be filed by each candidate for judicial office, including an incumbent judge, within **ten days** after filing Form DS-DE 9.

This form states that the judicial candidate has received, read, and understands the requirements of the Florida Code of Judicial Conduct.

(Sections 105.031, 106.021, and 106.023, Fla. Stat.)

Filing Officer

The filing officer is the person before whom a candidate qualifies:

- **Division**: State, multi-county district, and judicial offices (except county court judge)
- **Supervisor of Elections**: County court judge, countywide, and district offices (except multi-county offices)
- **Municipal Clerk**: Municipal offices

(Section 106.011(11), Fla. Stat.)

Resign-to-Run

No officer may qualify as a candidate for another state, district, county, municipal public office or federal office if the terms or any part thereof run concurrently with each other, without resigning from the office they presently hold. The resignation is irrevocable.

The written resignation must be submitted at least **ten days** prior to the first day of qualifying for the office. The resignation must be effective no later than the earlier of the following dates:

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

(Section 99.012(3) and (4), Fla. Stat.)

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to Chapter 99, Florida Statutes, if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for re-election to that office.

(Section 99.012(5), Fla. Stat.)

The Resign-to-Run Law does not apply to political party offices, persons serving without salary as members of an appointive board or authority, persons holding federal office and persons seeking the office of President or Vice President of the United States.

(Sections 99.012(6) and (7), Fla. Stat.)

Federal Hatch Act for Federal, State and Local Employees

Although a person may not have to resign, under Florida's Resign-to-Run Law, the person may be precluded by the federal Hatch Act (5 U.S.C. §§ 1501 – 1508) from holding their current job and becoming a candidate in a partisan election.

The Hatch Act restricts the political activity of individuals employed by the state, county, or municipality if the employee's salary is paid for completely by federal funds. Please note, however, that pursuant to 5 U.S.C. § 1502(c), governors, lieutenant governors, mayors, elected heads of executive departments, and individuals holding elective office are exempt from the prohibition against being a candidate for public office. The Hatch Act prohibits state, county and municipal employees seeking public office in a partisan election, not an elected officer seeking re-election or election to another office.

The Hatch Act also limits certain political activities of federal employees under certain circumstances.

The Division has no authority to advise individuals on the applicability of the Hatch Act. For information and questions about the Hatch Act, contact:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824 or (202) 804-7002
Website: osc.gov/Resources/Pages/FAQ.aspx

Email requests for advisory opinions about the Hatch Act to hatchact@osc.gov.

For information about how the Hatch Act may apply to a person as a candidate, please refer to Hatch Act Overview (osc.gov).

Changing Parties for Partisan Offices

Candidate with Party Affiliation

Any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing: 1. The party of which the person is a member. 2. That the person has been a registered member of the political party for which they are seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify. 3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member. (Note: This provision also applies to individuals seeking election to a political party executive committee office.)

(Section 99.021(1)(b) and (2), Fla. Stat.)

Candidate with No Party Affiliation

Any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section 99.021(1), Fla. Stat.)

Changing the Designation of Office

A candidate may change the designation of office by filing a new Form DS-DE 9 and a signed, written statement indicating the change with the filing officer. However, the candidate must notify each contributor in writing and offer to return their contribution using the following procedure:

- Within 15 days after filing the change with the filing officer, the candidate must send a written notice to all contributors.
- The candidate must offer (in the notice) to return to the contributor on a pro rata basis all contributions given in support of the original office.
- The candidate must include (with the notice) a copy of **Form DS-DE 86**, **Request for Return of Contribution**.
- If the contributor returns Form DS-DE 86 within 30 days of receiving the notice, the

candidate must return a pro rata share of all contributions given in support of the original office.

- If the contributor does not return Form DS-DE 86 within 30 days of receiving the notice, the candidate may use the contribution for the newly designated office up to the maximum of the contribution limits allowed by law. The full amount of the contribution for the original office shall count toward the contribution limits for the new office. Any amount that exceeds the contribution limits for the new office must be properly disposed of pursuant to law.

(Section 106.021(1)(a), Fla. Stat.)

Pro Rata Refund

The following formula is used to determine the pro rata share:

The amount of contributions contributed to the campaign that remain in the campaign account on the date the candidate filed the change of designation,

MINUS the amount already obligated for goods or services,

DIVIDED BY the total amount of contributions contributed to the campaign,

MULTIPLIED BY the amount of the contribution contributed by the individual contributor.

Pro Rata Refund Example

The candidate received a total of $5,000 from all contributors. Of this amount, the candidate has $2,500 remaining in the campaign account with an outstanding amount of $500 owed for goods and services. This leaves $2,000 in the account to be used for pro rata refunds. One contributor gave a $300 original contribution and wishes to have it returned.

$2,500 - $500 = $2,000 ÷ $5,000 = 40% x $300 = $120 pro rata refund to the contributor

(Section 106.021(1), Fla. Stat.)

Chapter 5: Statement of Solicitation

Who Must File a Statement of Solicitation

The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. s. 501(c)(4) of the Internal Revenue Code, which such individuals, in whole or in part, establish, maintain, or control, must file **Form DS-DE 102**, **Statement of Solicitation**.

(Section 106.0701, Fla. Stat.)

When to File

Each office holder or candidate must file **Form DS-DE 102** within **five days** after they directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of a 527 or 501(c)(4) organization. An office holder or candidate is required to file this form only once for each organization.

The form must be filed with the Division and, at a minimum, must contain the following information:

- The name of the person acting on behalf of the organization.
- The name and type of the organization.
- A description of the relationship between the person and the organization.

Penalty for Late Filing

Failure to timely file Form DS-DE 102 shall subject the person to a civil penalty of $50 per day for each late day, payable from the personal funds of the violator.

Public Website and Mission Statement

Upon filing Form DS-DE 102 with the Division, the officeholder or candidate must create a public website that contains the mission statement and the names of persons associated with the organization. The address of the website shall be reported to the Division within five business days after the website is created.

Additional Reporting

All contributions received shall be disclosed on the website within five business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within five business days after being made.

Note: An individual acting on behalf of their own campaign, a political party, or an affiliated party committee of which the individual is a member is not required to file Form DS-DE 102.

(Section 106.0701, Fla. Stat.)

Chapter 6: Prohibited Acts

Speaking at Political Meetings

No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of their candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

(Section 106.15(1), Fla. Stat.)

Using State-Owned Aircraft or Motor Vehicle

No candidate, in the furtherance of their candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in Chapter 287, Florida Statutes, solely for the purpose of furthering their candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of their candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

(Section 106.15(2), Fla. Stat.)

Using Services of State, County, Municipal, or District Officers or Employees

A candidate may not, in the furtherance of their candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee of the state during working hours.

(Section 106.15(3), Fla. Stat.)

Making Contributions in the Name of Another

A person may not make any contribution through or in the name of another, directly or indirectly, in any election. Furthermore, Florida law does not permit a contribution to be "earmarked" through a conduit.

(Section 106.08(5)(a), Fla. Stat., and Division of Elections Advisory Opinions 82-6 and 10-11)

Solicitation from Religious, Charitable and Civic Organizations

Candidates may **not**:

- Solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.
- Make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good.

It is **not** a violation:

- To make gifts of money in lieu of flowers in memory of a deceased person.
- For a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than six months.
- For a candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(Section 106.08(5)(b)-(c), Fla. Stat., and Division of Elections Advisory Opinion 04-03)

Accepting Contributions in a Government-Owned Building

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. "Accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This prohibition does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

(Section 106.15(4), Fla. Stat.)

Making Malicious Statements

A candidate may not, with actual malice, make any false statement about an opposing candidate.

(Section 104.271, Fla. Stat.)

Making False Representation of Military Service

A candidate may not falsely represent that they served or is currently serving in the military, whether active duty, Reserve or National Guard.

(Section 104.2715, Fla. Stat.)

Certifying a False Report

Any candidate, campaign manager, campaign treasurer, or deputy treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree.

(Sections 106.07(5) and 106.19, Fla. Stat.)

Limitations on Political Activity for Judicial Candidates

A candidate for judicial office shall **not**:

- Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which they are registered to vote.
- Campaign as a member of any political party.
- Publicly represent or advertise themselves as a member of any political party.
- Endorse any candidate.
- Make political speeches other than in the candidate's own behalf.
- Make contributions to political party funds.
- Solicit contributions for any political party.
- Accept contributions from any political party.
- Accept or retain a place on any political party committee.
- Make any contribution to any person, group, or organization for its endorsement to judicial office.
- Agree to pay all or any part of an advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to $1,000 to be determined by the Florida Elections Commission.

(Section 105.071, Fla. Stat.)

Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC)

The Florida Supreme Court recognizes the JEAC as the body that may render written advisory opinions concerning the conduct of judges and judicial candidates for opinions relating to elections and campaign-related topics, see: JEAC (flcourts.gov)

Chapter 7: Campaign Treasurers

Appointing Campaign Treasurers and Deputy Treasurers

Each candidate shall appoint a campaign treasurer by filing **Form DS-DE 9**, **Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates**, with the filing officer before whom the candidate qualifies. The name and address of the campaign treasurer must be included on the form. A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but no later than the date the candidate qualifies for office, and before any contributions are received, any expenditures are made, and any signatures are obtained on a candidate petition. Nothing prohibits a person from announcing their intention to become a candidate prior to filing Form DS-DE 9, as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.

- A candidate must appoint a campaign treasurer.
- A candidate may appoint themselves as campaign treasurer or deputy campaign treasurer.
- A candidate for statewide office (Governor, Cabinet, and Supreme Court Justice) may appoint no more than 15 deputy campaign treasurers. Any other candidate may appoint no more than 3 deputy campaign treasurers.
- Deputy campaign treasurers are appointed in the same manner as the campaign treasurer by filing Form DS-DE 9 with the filing officer.

Form DS-DE 9 shall be filed with the filing officer:

- **Prior** to opening the campaign account.
- **Prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
- **Prior** to obtaining signatures on a DS-DE 104, Candidate Petition.

Note: The form is considered "filed" only when the filing officer receives the form (not upon mailing) **and** determines that the form is complete.

Duties and Responsibilities

No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state except through the duly appointed campaign treasurer of the candidate, subject to the following ***exceptions***:

- Independent expenditures;
- Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign by a check drawn upon the campaign account and reported pursuant to Section 106.07(4), Florida Statutes. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), Florida Statutes, together with the purpose of such payment;
- Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to Section 106.07(4)(a)13, Florida Statutes; or
- Expenditures made directly by affiliated party committee or political party regulated by Chapter 103, Florida Statutes, for obtaining time, space or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidate for the purposes of Chapter 103, Florida Statutes.

The campaign treasurer *must*:

- Keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate. Such accounts must be kept current within not more than two days after the date a contribution is received or an expenditure is made.
- Deposit all funds received by the end of the fifth business day into the campaign depository. All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount of each contribution.
- Keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and all withdrawals made from these accounts to the primary

depository and all interest earned.

- Preserve all accounts for a number of years equal to the term of office to which the candidate seeks election.

- File regular reports of all contributions received and expenditures made by or on behalf of such candidate.

The campaign treasurer may be fined $1,000 or more, or be subjected to criminal penalties, for failing to file a campaign report or filing an incomplete or inaccurate report.

Deputy campaign treasurers may exercise any of the powers and duties of the campaign treasurer when specifically authorized to do so by the campaign treasurer and candidate.

Accounts, including separate interest-bearing accounts and certificates of deposit, kept by the campaign treasurer of a candidate may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Elections Commission.

(Sections 106.021, 106.06, 106.07, 106.19, and 106.265, Fla. Stat.)

Resignation or Removal

When a campaign treasurer resigns or is removed by the candidate, a copy of the *signed* letter of resignation or removal must be filed with the filing officer.

A campaign or deputy campaign treasurer may resign or be removed by the candidate, respectively as follows:

- Written notice of *resignation* to the candidate by the campaign treasurer.

- Written notice of *removal* to the campaign treasurer by the candidate.

Note: The written notice is not effective until a *signed* copy is filed with the filing officer.

In the case of death, resignation, or removal of a campaign treasurer or deputy treasurer, the candidate shall appoint a successor by certifying the name and address to the filing officer on a new Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, completed in its entirety with *original* signatures.

(Section 106.021(2), Fla. Stat.)

Chapter 8: Campaign Depositories

Primary Campaign Depository

A candidate and each individual seeking election to a political party executive committee must designate a primary campaign depository with a bank, savings and loan association, or credit union authorized to do business in the State of Florida. The campaign depository is designated at the same time as a treasurer is appointed on **Form DS-DE 9** (**Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates**). A candidate who seeks to qualify by the petition process shall designate a campaign depository prior to obtaining signatures on petitions.

Note: All contributions must be deposited into such account and all expenditures must be drawn by a check on such account, except when paid with petty cash. (See Chapter 10: Expenditures.)

A candidate and each individual seeking election to a political party executive committee must file the name and address of the primary campaign depository with the same officer with whom the candidate files the name of their campaign treasurer on Form DS-DE 9.

The campaign account must be separate from any personal or other account and used only for depositing campaign contributions and making expenditures.

Designating a campaign depository does not mean physically opening an account. It is merely naming the financial institution where the campaign funds will be deposited. This is because most banks require an initial deposit to open a campaign account and a contribution cannot be accepted prior to the candidate filing a complete Form DS-DE 9.

All funds received by the campaign treasurer shall, prior to the end of the **fifth business day** following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to Section 106.021, Florida Statutes, in an account that contains the name of the candidate.

Note: All deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

(Sections 106.021(1), 106.11(1), and 106.05, Fla. Stat.;
Division of Elections Advisory Opinion 09-03)

Secondary Campaign Depository

A candidate may designate one secondary depository in each county where an election is held in which the candidate participates for the sole purpose of depositing contributions for transfer into the primary depository.

A candidate must file the name and address of each secondary campaign depository with the same officer with whom the candidate files the name of their campaign treasurer on Form DS-DE 9.

If a contribution is deposited in a secondary depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip, to the primary depository prior to the end of the first business day following the deposit.

(Sections 106.021(1) and 106.05, Fla. Stat.)

Separate Interest-Bearing Accounts and Certificates of Deposit

In the event funds are available in the primary campaign depository that are not currently needed for the disbursement of expenditures, the campaign treasurer or deputy campaign treasurer may deposit such funds into a separate interest-bearing account designated as "(Name of Candidate) Separate Interest-Bearing Campaign Account" or may purchase a certificate of deposit with the available funds.

Any bank, savings and loan association, or credit union authorized to transact business in Florida may be used for this purpose. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other separate interest-bearing account or certificate of deposit.

Any withdrawal from a separate interest-bearing account or certificate of deposit of the principal or earned interest or any part thereof shall be made only for the purpose of transferring funds to the primary campaign account.

(Section 106.021(1)(b), Fla. Stat.)

Changing Depository

If changing the primary depository, a candidate must submit a new, original Form DS-DE 9 to the filing officer.

Campaign Checks

Note: When issuing checks from the campaign account, the campaign treasurer or deputy treasurer shall be responsible for the completeness and accuracy of the information on such check and for ensuring that such expenditure is an authorized expenditure.

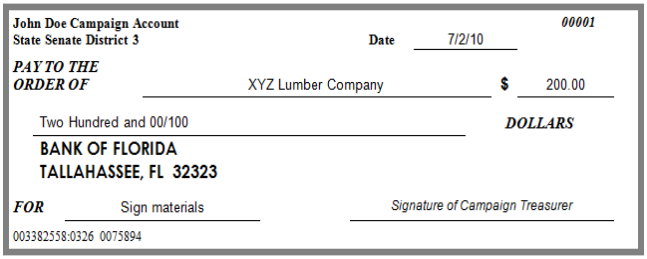
Campaign checks must contain the following information:

- The name of the campaign account of the candidate.
- Account number and name of bank.
- The exact amount of the expenditure.
- The signature of the campaign treasurer or deputy treasurer.
- The exact purpose of the expenditure.
- The name of the payee.

This information may be typed or handwritten on starter checks provided by the bank until printed checks arrive.

(Section 106.11(1), Fla. Stat.)

Example of Campaign Check:


John Doe Campaign Account
State Senate District 3
00001
Date 7/2/10
PAY TO THE ORDER OF XYZ Lumber Company $ 200.00
Two Hundred and 00/100 DOLLARS
BANK OF FLORIDA
TALLAHASSEE, FL 32323
FOR Sign materials
Signature of Campaign Treasurer
003382558:0326 0075894

Credit Cards

Candidates for **statewide office** (**Governor, Cabinet, and Supreme Court Justice**) may obtain and use credit cards for travel-related campaign expenditures. (See Chapter 10: Expenditures for how credit cards may be used.) The credit card must:

- Be obtained from the bank which has been designated as the primary campaign depository.
- Be in the name of the candidate and reflect that the account is a campaign account.
- Expire no later than midnight of the last day of the month of the general election.

(*Section 106.125, Fla. Stat.)*

Debit Cards

A candidate may use a debit card to make campaign expenditures and is considered a bank check if:

- Obtained from the same bank that has been designated as the primary campaign depository.
- Issued in the name of the treasurer, deputy treasurer, or authorized user.
- Contains the name of the campaign account of the candidate.

No more than **three** debit cards shall be issued. (See Chapter 10: Expenditures for how debit cards may be used.)

(Section 106.11(2), Fla. Stat.;
Division of Elections Advisory Opinion 00-03)

Chapter 9: Contributions

A **contribution** is:

- A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. These include contributions in-kind, having an attributable monetary value in any form.
- A transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups.
- The payment, by any person other than a candidate, of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate for such services.
- The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes any interest earned on such account or certificate.

The ***exceptions*** are:

- Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate including, but not limited to, legal and accounting services.
- Editorial endorsements.

Note: The law provides no exceptions for reporting contribution information, regardless of the size of the contribution (e.g., the reporting requirements would be the same for a 50 cent contribution as for a $500 contribution).

(Section 106.011(5), Fla. Stat.)

Unauthorized Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or deputy campaign treasurer **on the day of that election or less than five days prior to the day of the election** must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(Section 106.08(3), Fla. Stat.)

Anonymous Contributions

When a candidate receives an anonymous contribution it must be reported on the candidate's campaign treasurer's report as an anonymous contribution. A letter should be submitted to the filing officer explaining the circumstances surrounding the acceptance of the anonymous contribution.

The candidate cannot spend the anonymous contribution, but at the end of the campaign, the candidate must donate the amount to an appropriate entity under Section 106.141, Florida Statutes.

(Division of Elections Advisory Opinion 89-02)

In-Kind Contributions

In-kind contributions include anything of value - such as furnishing goods or services at no charge or at less than the usual and normal charge - made for the purpose of influencing the results of an election.

The ***exceptions*** are:

- Money;
- Personal services provided without compensation by individual volunteers;
- Independent expenditures, as defined in Section 106.011(12), Florida Statutes; or
- Endorsements of three or more candidates by affiliated party committees or political parties.

(Section 106.011, Fla. Stat.;
Division of Elections Advisory Opinion 04-06)

Note: Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. In-kind contributions are subject to contribution limitations. Travel conveyed upon private aircraft shall be valued at the actual cost of per person commercial air travel for the same or a substantially similar route.

(Sections 106.011, 106.021(3), and 106.055, Fla. Stat.;
Division of Elections Advisory Opinion 09-08 (Aircraft Travel))

Loans

Loans are considered contributions and are subject to contribution limitations. Loans to or from each person or political committee must be reported together with names, addresses, occupations, and principal places of business, if any, of the lenders and endorsers, including the date and amount of each loan on the campaign treasurer's report.

Loans made by a candidate to their own campaign are not subject to contribution limitations. A candidate who makes a loan to their campaign and reports the loan as required by Section 106.07, Florida Statutes, may be repaid for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

All personal loans exceeding $500 in value, made to a candidate and used for campaign purposes, and made in the twelve months preceding their election to office, must be reported on **Forms DS-DE 73 and DS-DE 73A, Campaign Loans Report**, and filed with the filing officer within *ten days* after being elected to office.

Any person who makes a contribution to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the campaign, may not contribute more than the amount allowed in Section 106.08(1), Florida Statutes.

Note: A candidate may receive a personal loan from a bank and then loan all or part of the loan proceeds to his or her campaign without the proceeds being subject to the limitations of Section 106.08, Florida Statutes.

(Sections 106.011, 106.07, 106.075, and 106.08 Fla. Stat.; Division of Elections Advisory Opinions 76-10 and 92-16)

Cash Contributions

A candidate may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of $50 per election. A money order or traveler's check is not considered cash.

Note: Cash contributions must be reported on campaign treasurer's reports to include the full name and address of each person who gave a cash contribution during the reporting period, together with the amount and date of such cash contribution.

(Sections 106.07(4) and 106.09, Fla. Stat.; Division of Elections Advisory Opinion 90-15)

Money Order, Debit and Credit Card Contributions

A candidate may accept contributions via a credit card, debit card money order, or wire transfer. These contributions are categorized as a "check" for reporting purposes.
(Section 106.011, Fla. Stat.; Division of Elections Advisory Opinions 94-02, 00-03, and 02-09)

Contribution Limits for Candidates

Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

1. $3,000 to a candidate for statewide office or for retention as a justice of the Supreme Court. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.
2. $1,000 to a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multi-county office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge.

The primary and general elections are separate elections. (See Glossary of Terms for the definition of "person.")

(Section 106.08(1)(a), Fla. Stat.)

Note: These limits **do not apply** to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by Chapter 103, Florida Statutes, or to amounts contributed by a candidate to their own campaign. The contribution limits do not apply to individuals seeking election to a political party executive committee because they are not "candidates."

A candidate may ***not***:

- Accept contributions until Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, is filed with the filing officer;
- Accept a contribution in excess of the above limits from any one person per election, provided the candidate is an opposed candidate and the contribution is received within the timeframe applicable to each election;
- Accept contributions from family members in excess of the above limits per election;
- Accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed $50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed

$50,000. Polling services, research services, cost for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits, but must still be reported by the candidate. All other contributions are counted toward the contribution limits;

- Accept contributions as a candidate for statewide (Governor, Cabinet, and Supreme Court Justice) office from a national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or affiliated party committee, which contributions in the aggregate exceed $250,000; or
- Accept contributions after the date he/she withdraw his/her candidacy, is defeated, becomes unopposed, or is elected.

(Sections 106.08 and 106.19, Fla. Stat.)

Foreign Contributions

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at www.fec.gov. *(52 U.S.C. § 30121)*

Deadlines for Accepting Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than five days before the day of that election must be returned by the candidate to the person or committee contributing, and the contribution may *not* be used or expended by or on behalf of the candidate. (*See Appendix C*.)

(Section 106.08(3)(a), Fla. Stat.)

Violations

Any candidate, committee chair, campaign treasurer, deputy treasurer or other officer of any political committee; agent or person acting on behalf of any candidate or political committee, or other person who knowingly and willfully engages in any of the following acts, is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes:

- Accepts a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes;

- Fails to report any contribution required to be reported by Chapter 106, Florida Statutes;
- Falsely reports or deliberately fails to include any information required by Chapter 106, Florida Statutes; or
- Makes or authorizes any expenditure in violation of Section 106.11(4), Florida Statutes, or any other expenditure prohibited by Chapter 106, Florida Statutes.

(Section 106.19, Fla. Stat.)'

Chapter 10: Expenditures

Definition

An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

The term "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(Section 106.011(10), Fla. Stat.)

General Requirements

A candidate **shall**:

- Pay all campaign expenditures by a check drawn on the campaign account (except petty cash);
- Pay the qualifying fee by a check drawn on the campaign account;
- Pay for all expenses authorized or incurred for the purchase of goods or services upon final delivery and acceptance of the goods or services; and
- Pay for public utilities such as telephone, electric, gas, water and like services when the bill is received. Utility companies providing services to candidates must charge a deposit sufficient to meet all anticipated charges during a billing period.

Note: No candidate, campaign manager, treasurer, deputy treasurer, or any person acting on behalf of the foregoing, shall authorize any expenses, unless there are sufficient funds on deposit in the primary depository account of the candidate to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid.

"Sufficient funds" means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained and not that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

(Section 106.11(4), Fla. Stat.)

Checks

Note: Only a campaign treasurer or deputy campaign treasurer is allowed to sign checks drawn on the campaign account. The campaign treasurer or deputy campaign treasurer who signs a check shall be responsible for the completeness and accuracy of the information on the check and for ensuring it is an authorized expenditure. ***Candidates are prohibited from signing campaign checks unless they have appointed themselves campaign treasurer or deputy treasurer.***

A candidate or other individual may be reimbursed for expenses incurred in connection with the campaign by a check drawn on the campaign account and reported pursuant to Section 106.07(4), Florida Statutes. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), Florida Statutes, together with the purpose of such payment.

Living Expenses

A candidate or the spouse of a candidate may not use campaign funds to defray normal living expenses for the candidate or the candidate's immediate family, other than expenses actually incurred during the campaign for transportation, meals, and lodging.

(Sections 106.011(10), 106.021(3), 106.14, and 106.1405, Fla. Stat.)

Petty Cash Funds

A campaign treasurer may provide a petty cash fund for the candidate. To establish a petty cash fund, the campaign treasurer must write a check drawn on the primary campaign account. Petty cash may only be used for office supplies, transportation expenses, and other necessities.

A candidate **must**:

- Spend petty cash in amounts of less than $100;
- Report the total amount withdrawn and the total amount spent for petty cash in each reporting period;

- Keep complete records of petty cash although each expenditure does not have to be reported individually;
- Not mix cash contributions with petty cash; and
- Not use petty cash for the purchase of time, space, or services from any communications media.

(Section 106.07 and Section 106.12 Fla. Stat.)

Limits on Petty Cash Fund Amounts

From the day a candidate appoints their campaign treasurer until the last day a candidate can qualify for office, the campaign treasurer may withdraw from the campaign account for the purpose of providing a petty cash fund for the candidate:

- $500 per calendar quarter.

After qualifying is over and until the election in which the candidate is eliminated or elected to office or the time in which the candidate becomes unopposed, the treasurer may withdraw:

- $500 per week for all statewide (Governor, Cabinet, and Supreme Court Justice) candidates.
- $100 per week for all other candidates.

(Sections 106.07 and 106.12, Fla. Stat.;
Division of Elections Advisory Opinion 06-10)

Independent Expenditures

An independent expenditure means an expenditure made by a person for the purpose of **expressly advocating** the election or defeat of a candidate, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate or agent of such candidate. An expenditure for such purpose by a person having a contract with the candidate or agent of such candidate in a given election period is not an independent expenditure.

Expressly advocates means any communication which uses phrases including, but not limited to: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "oppose," and "reject."

(See Division of Elections Advisory Opinion 16-12)

If the independent expenditure is, in the aggregate, in the amount of $5000 or more, the person must file reports with the candidate's filing officer in the same manner and time as a political committee.

Political advertisements paid for by an independent expenditure must contain the following

statement: *"Paid political advertisement paid for by (name and address of person paying for the advertisement) independently of any (candidate or committee)."*

However, an expenditure for the purpose of **expressly advocating** the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, an affiliated party committee, or by any political committee, or any other person, **is not considered an independent expenditure if the committee or person:**

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue;

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue;

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member;

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or any agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue;

5. After the last day of the qualifying period prescribed for the candidate, there is a consultation about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign with:

    - An officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or

    - A person whose professional services have been retained by a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate;

6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(Sections 106.011(12) and 106.071, Fla. Stat.)

Note: In the circumstances described in the prior paragraph, the resulting expenditure would be considered an in-kind contribution to the candidate at issue, subject to the limitations of Section 106.08, Florida Statutes.

(See Chapter 12: Political Advertising for information about applicable political disclaimers and exceptions.)

(Section 106.071(3), Fla. Stat.)

Credit Cards

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may use a credit card, obtained pursuant to the process outlined in Chapter 8: Campaign Depositories, under the following conditions:

- The card may only be used in making travel-related campaign expenditures to include transportation, lodging, meals, and other travel expenses incurred.
- A copy of the agreement or contract between the candidate and bank, along with a list of all persons authorized to use the card, must be filed with the Division **prior** to being used.
- Each statement received from the issuer of the credit card must be paid upon receipt.

(Section 106.125, Fla. Stat.)

Debit Cards

Debit cards obtained pursuant to the process outlined in Chapter 8: Campaign Depositories may be used in lieu of campaign checks and **are considered bank checks if** the person using the card does not receive cash as part of, or independent of, any transaction for goods or services.

*All debit card receipts **must** contain:*

- Last four digits of the debit card number.
- Exact amount of expenditure.
- Name of payee.

- Signature of campaign treasurer, deputy treasurer, or authorized user.
- Exact purpose of expenditure.

Any of the above listed information, if not included on the receipt, may be handwritten on, or attached to, the receipt by the authorized user before submitting to the campaign treasurer. The debit card user shall be responsible for the completeness and accuracy of the information and for ensuring that such expenditure is authorized.

(Section 106.11, Fla. Stat.)

Expenditures for Electioneering Communications

An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

An expenditure for an electioneering communication is made when the earliest of the following occurs:

- A person executes a contract for applicable goods or services;
- A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
- The electioneering communication is publicly disseminated.

(Sections 106.011 (8) and (10) , Fla. Stat.)

Chapter 11: Electioneering Communications

Definition

Electioneering communication means a text message or a communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;

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

3. Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

The ***exceptions*** are:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization in existence before the time during which a candidate named or depicted qualifies for that election made in that organization's newsletter distributed only to members of that organization;

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

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

    a. Is either a charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or a newspaper, radio station, television station, or other recognized news medium; and

    b. Does not structure the debate to promote or advance one candidate or issue position over another.

An expenditure made for, or in furtherance of, an electioneering communication is not considered a contribution to, or on behalf of, any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures. For this reason, an electioneering communication may be coordinated with a candidate, and the expenses related to such electioneering communication will not be considered an in-kind contribution to the candidate.

(Section 106.011(8), Fla. Stat.)

Electioneering Communication Disclaimers

Any electioneering communication, other than a text message or a telephone call, shall prominently state: *"Paid electioneering communication paid for by (Name and address of person paying for the communication)."*

(Section 106.1439, Fla. Stat.)

Electioneering Communication Text Message or Telephone Call Disclaimer

See Chapter 13: Other Disclaimers and Chapter 15: Text Message or Telephone Solicitation for more information about applicable disclaimers and exceptions regarding text messages and telephone solicitations.)

Penalty for Electioneering Communication Disclaimer Violation

Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

(Section 106.1439, Fla. Stat.)

Chapter 12: Political Advertising

A political advertisement is a paid expression in a communications medium prescribed in Section 106.011(4), Florida Statutes, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section 106.011(15), Fla. Stat.)

Candidate Disclaimers

Except as noted in the next section, any political advertisement that is paid for by a **candidate (except a write-in candidate)** and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *"Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)"* or *"Paid by (name of candidate), (party affiliation), for (office sought)."*

Any political advertisement that is paid for by a **write-in candidate** and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *"Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)"* or *"Paid by (name of candidate), write-in candidate, for (office sought)."*

(Section 106.143(1), Fla. Stat.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in Section 106.143, Florida Statutes. Variations are prohibited by law.

Any political advertisement of a candidate running for **partisan office** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the **candidate for partisan office is running as a candidate with no party affiliation**, any advertisement of the candidate must state that the candidate has no party affiliation.

Candidates running for **non-partisan** office may not state the candidate's political party affiliation in the disclaimer, or in the body of the advertisement. *Exception*: The candidate is not prohibited from stating the candidate's partisan-related experience.

(Sections 106.143(3) and (5), Fla. Stat.)

Note: A candidate running for an office that has a district, group, or seat number does not have to indicate the district, group, or seat number in the political advertisement or disclaimer.

Exceptions to Disclaimer Requirements

The disclaimer requirements in Section 106.143, Florida Statutes, do not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- Designed to be worn by a person.
- Placed as a paid link on a website provided the message or advertisement is no more than 200 characters in length and the link directs the user to another website that complies with the disclaimer requirements in Section 106.143(1), Florida Statutes.
- Placed as a graphic or picture link where compliance with the requirements of Section 106.143, Florida Statutes, is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another website that complies with Section 106.143(1), Florida Statutes.
- Placed at no cost on a website for which there is no cost to post content for public users.
- Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with Section 106.143(1), Florida Statutes.
- Sent by a third-party user from or through a campaign or committee's website, provided the website complies with Section 106.143(1), Florida Statutes.
- Contained in or distributed through any other technology-related item, service, or device for which compliance with Section 106.143(1), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with Section 106.143(1), Florida Statutes, impracticable.

(Section 106.143(10), Fla. Stat.)

Disclaimer requirements do not apply to individuals seeking a publicly elected position on a political party executive committee.

Examples of Advertisements with Disclaimers

Note: The word *"**elect**"* or *"**re-elect**"* is not required to be used in political advertisements.

The word ***"re-elect"*** may <u>not</u> be used if the candidate is not the incumbent for the office sought.

1. Non-incumbent, partisan candidate running for partisan office:



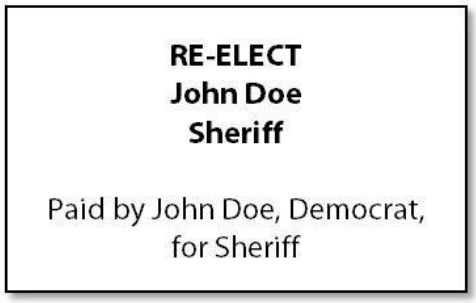
OR



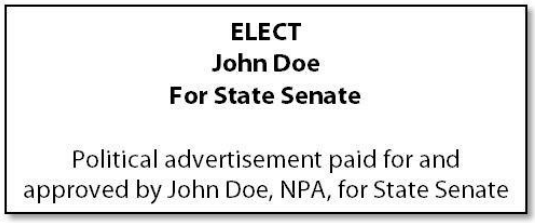
2. Incumbent, partisan candidate running for partisan office:

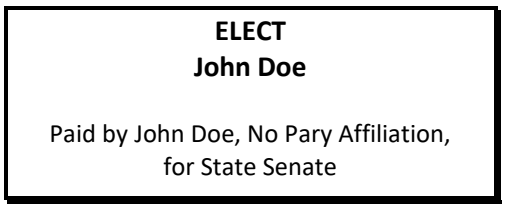


OR



3. Non-incumbent, no party affiliation candidate running for partisan office:





OR

4. Non-incumbent candidate running for nonpartisan office:



OR



5. Incumbent candidate running for nonpartisan office:



OR



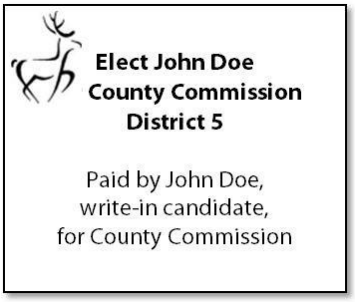
Disclaimer for Write-in Candidates

Any political advertisement that is paid for by a write-in candidate and that is published, or circulated before, or on the day of, any election **must prominently state:** *"Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)"* **OR** *"Paid by (name of candidate), write-in candidate, for (office sought)."*

Example:



OR

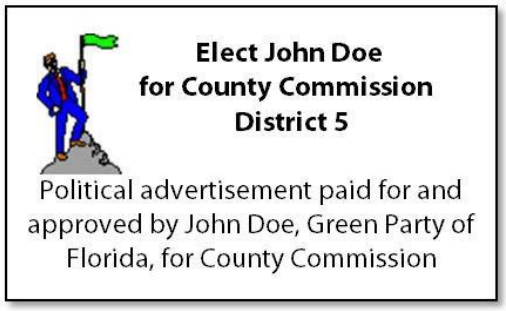


Non-incumbent Advertisements

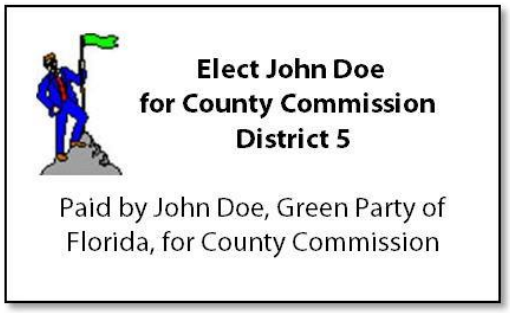
Required:

The word "**for**" must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers, or if the advertisement satisfies one of the exceptions in Section 106.143(10), Florida Statutes.

Example:



OR



Advertisement Provided In-kind

Required:

Political advertisements made as in-kind contributions from a political party **must prominently state**: *"Paid political advertisement paid for by in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement)."*

(Section 106.143(2), Fla. Stat.)

Example:



Chapter 13: Other Disclaimers

Any political advertisement not paid for by a candidate that is published, displayed, or circulated prior to, or on the day of, any election **must prominently:**

- Be marked *"paid political advertisement"* or *"pd. pol. adv."*
- State the name and address of the persons paying for the advertisement.
- State that the advertisement and cost of production is paid for or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(Section 106.143(1)(c), Fla. Stat.)

Endorsements in Political Advertisements

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this paragraph does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

(Section 106.143(4), Fla. Stat.)

Example:

Political advertisement for a candidate representing that an organization supports them, paid for in-kind by the organization, with specific approval from the organization in writing:

ELECT
John Doe

For County Commission, District 1
Democrat
Supported by ABC Foundation

Pd. Pol. Adv. sponsored and paid for in-kind by ABC Foundation, Zero Street, Jupiter, FL 32323
Approved by John Doe, Democrat,
For County Commission

ABC Foundation

Dear Sir or Madam:

Please let this letter serve as our approval of the political advertisement supporting John Doe for County Commission, District 1.

The content of this advertisement was reviewed and approved in advance.

Sincerely,
Mr. Smith

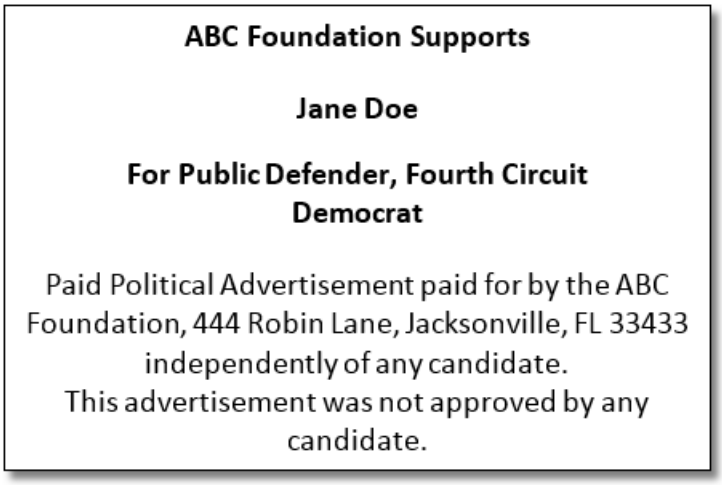
Independent Expenditure Disclaimers

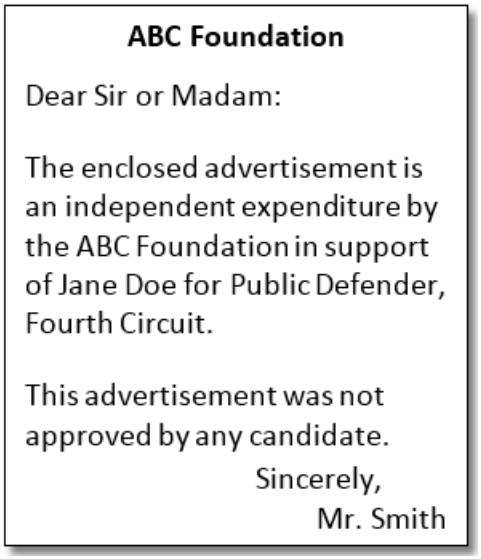
Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement. This paragraph does not apply to campaign messages used by a candidate and their supporters if those messages are designed to be worn by a person.

(Sections 106.143(5)(b) and (10), Fla. Stat.)

Example:

Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:





Disclaimers for Other than Independent Expenditures

Any political advertisement, not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. This paragraph does not apply to messages used by a candidate and their supporters if those messages are designed to be worn by a person.

(Sections 106.143(5)(a) and (10), Fla. Stat.)

Example:

Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

ABC Foundation Supports the Re-Election of Jane Doe Nassau for County Judge

Pd. Pol. Adv. by ABC Foundation
111 Jewel Street, Tallahassee, FL 32333
Content approved in advance by Jane Doe,
For Nassau County Judge

Dear Sir or Madam:

Please let this letter serve as my approval of the political advertisement by the ABC Foundation supporting my candidacy for Nassau County Judge.

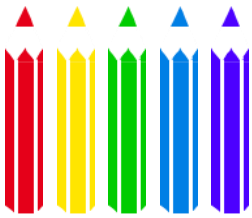
Sincerely,
Jane Doe

Disclaimers on Novelty Items

None of the requirements of Section 106.143, Florida Statutes, apply to novelty items having a retail value of $10 or less which support, but do not oppose, a candidate or issue.

(Section 106.143(8), Fla. Stat.)

Examples:



Pens/Pencils



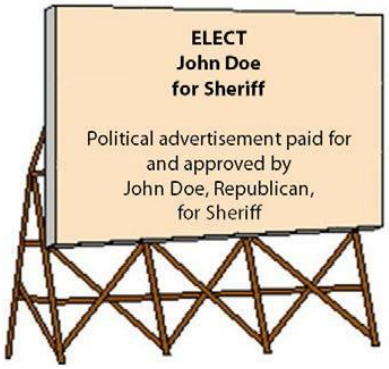
Golf Balls



Balloons

Other Political Disclaimer Examples

Billboards:



Clothing:

None of the requirements of Section 106.143, Florida Statutes, to include political disclaimers, apply to campaign messages or political advertisements used by a candidate and the candidate's supporters or by a political committee if the message advertised is designed to be worn by a person.

Note: On items designed to be worn, there is no requirement to use the word "for" between the candidate's name and the office being sought.

(Section 106.143 (6), (10), Fla. Stat.)







Bumper stickers:

Jane Doe
State Senate, District 17

Paid by Jane Doe, Rep., for State Senate

Note: On bumper stickers, there is no requirement to use the word "for" between the candidate's name and the office being sought in the body of the bumper sticker.

(Section 106.143(6), Fla. Stat.)

Miscellaneous Advertisements

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

(Section 106.1437, Fla. Stat.)

Example of an advertisement to influence the vote of a public official:



An expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

Electioneering Communications Disclaimers

Any electioneering communication, other than a text message or a telephone call, shall prominently state: *"Paid electioneering communication paid for by (Name and address of person paying for the communication)."* For disclaimers on text messages or telephone calls, see Chapter 15: Text Message or Telephone Solicitation. Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

(Section 106.1439, Fla. Stat.)

Language Other Than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by Section 106.143, Florida Statutes, in the language used in the advertisement.

(Section 106.143(9), Fla. Stat.)

Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts

Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission.

(Section 106.165, Fla. Stat.)

Chapter 14: Fund Raisers

A campaign fund raiser is any affair held to raise funds to be used in a campaign for public office. Campaign fund raisers may not be held until the candidate has filed Form DS-DE 9.

(Sections 106.011(1) and 106.025, Fla. Stat.)

Contributions from Fund Raisers

All monies and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section 106.08, Florida Statutes, and are to be accounted for and reported as any other contribution.

(Section 106.025, Fla. Stat.)

Expenditures for Fund Raisers

All expenditures with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account of the candidate are campaign expenditures. All expenditures must be accounted for and are subject to the same restrictions as other campaign expenditures.

(Section 106.025, Fla. Stat.)

Tickets

Any tickets or advertising for a campaign fund raiser must comply with the requirements of Section 106.143, Florida Statutes.

(Section 106.025, Fla. Stat.)

Chapter 15: Text Message or Telephone Solicitation

Disclosure Requirements

- Any telephone call or text message supporting or opposing a candidate, elected public official, or ballot proposal, and any electioneering text message or telephone call, must include the phrase "Paid for by," followed by the name of the persons or organizations sponsoring the call or message or, in the case of text message, a working hyperlink or a uniform resource locator (URL) to a website containing the required disclosure.
- A candidate's telephone call or text message must include the phrase "Paid for by," followed by the name of the candidate, then followed by the word "For," and the name of the elective office sought.
- A website that is hyperlinked, or identified by URL, in a text message must remain online and available to the public for at least 30 days after the date of the election in which the candidate or ballot measure that the advertisement supported or opposed was voted on.
- If an exchange consists of a sequence of multiple text messages sent on the same day, the sponsorship disclaimer is only required to be included with the first text message.
- A person or an organization is deemed to be in compliance with the requirements of Section *106.147(1)* if (i) a compliant sponsorship disclaimer is included in the text message in the form in which the person or organization intended it to be sent, regardless of the form the carrier relayed it to the recipient, and (ii) a working hyperlink or URL is included in the text message as part of the required disclaimer, even if the recipient's device is incapable of accessing the referenced website.

(Section 106.147(1), Fla. Stat.)

Exceptions: The disclosure requirements described above do not apply in the following circumstances:

- Any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.
- Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration.
- Any text message that (i) is sent by an unpaid individual without the assistance of mass distribution technology or (ii) requires the recipient to sign up or opt in to receive it.

(106.147(1)(e), Fla. Stat.)

Prohibitions

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

(Section 106.147(2)(a), Fla. Stat.)

- No telephone call or text message shall state or imply that the caller represents a nonexistent person or organization.

(Section 106.147(2)(b), Fla. Stat.)

Written Authorization Requirements

Any telephone call or text message, not conducted by independent expenditure, supporting or opposing a candidate or ballot proposal, requires prior written authorization by the candidate or sponsor of the ballot proposal that the call or text message supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls or text messages commence.

(Section 106.147(3), Fla. Stat.)

Penalties

Any person who willfully violates any provision of Section 106.147, Florida Statutes, commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

The term "person" includes any candidate; any officer of any political committee, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

(Section 106.147(4), Fla. Stat.)

Registered Agent

Disclosure requirements:

- Any person or organization that conducts any business in this state which consists of placing telephone calls or sending text messages supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the Division a

notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this section does not apply to any person or organization already lawfully registered to conduct business in this state.

- Conducting business in this state as specified in the preceding paragraph includes both placing telephone calls and sending text messages from a location in this state and placing telephone calls and sending text messages from a location outside this state to individuals located in this state.

- *Form DS-DE 100, Telephone Solicitation, Registered Agent Notice*, shall be filed with the Division and, at a minimum, must elicit all of the following information:

    1. The name, address, and telephone number of the registered agent.

    2. The name, address, and telephone number of the person or organization conducting business in this state as specified.

  The Division must be notified *immediately* of any changes in the information required in item 1 listed above.

Violations: Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.

(Section 106.1475, Fla. Stat.)

Chapter 16: Filing Campaign Reports

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and their campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report, while knowing that such report is incorrect, false, or incomplete, commits a misdemeanor of the first degree.

(Section 106.07, Fla. Stat.)

Where to File

A campaign treasurer is required to file campaign treasurer's reports with the filing officer before whom the candidate registers (i.e., candidate files DS-DE 9).

Candidates filing reports with the Division are required to file by means of the Electronic Filing System *(see Chapter 19: Electronic Filing of Campaign Reports)*. If the candidate's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is efs.dos.state.fl.us.

(Section 106.07(2), Fla. Stat.)

When to File

Reports must be filed on the 10th day following the end of each calendar quarter from the time the candidate registers (i.e., files DS-DE 9), except that if the 10th day occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday, or legal holiday.

A statewide candidate *must* file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.

2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

All other candidates must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

For candidates that file with the Division, see the Campaign Finance Reporting Dates.

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. *(See Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.)*

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the United States Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within five days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner.

Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

(Sections 106.07, 106.0705, and 106.141, Fla. Stat.; Chapter 19: Electronic Filing of Campaign Reports)

Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of $50 per day for the first three days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

For a candidate's termination report, the fine shall be $50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Sections 106.07(2) and (8), Fla. Stat.)

Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date**. (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section 106.07(7), Fla. Stat.)

Special Election Reports

When a special election is called to fill a vacancy in office, campaign treasurer reports shall be filed with the filing officer on the dates set by the Florida Department of State pursuant to Section 100.111, Florida Statutes. The reports are only to include contributions and expenditures related to the special election.

The candidate must notify the filing officer in writing on or before the prescribed reporting date if no funds were received or no expenditures made during the special election reporting period.

(Section 106.07(1)(d), Fla. Stat.)

Incomplete Reports

Although the Division's Electronic Filing System will allow a candidate to file an incomplete report, an incomplete report is not in compliance with the Florida Statutes.

If a candidate or campaign treasurer files a report that is deemed incomplete, they will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The candidate or campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report. Failure to file a complete report after notice constitutes a violation of Chapter 106, Florida Statutes.

(Section 106.07(2)(b), Fla. Stat.)

Reporting Total Sums

Each campaign treasurer's report required by Chapter 106, Florida Statutes, shall contain the total sums of all loans, in-kind contributions, and other receipts by or for such candidate, and total sums of all expenditures made by such candidate during the reporting period. The reporting forms are designed to elicit separate totals for in-kind contributions, loans, and other receipts.

(Section 106.07(4)(a)(5), Fla. Stat.)

Reporting Contributions

Each report *must* contain:

1. Full name, address, specific occupation, amount, and date for each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. The occupation or principal type of business is not required if the contribution is $100 or less, or from a relative provided the relationship is reported.

2. Name, address, amount, and date for each political committee making any transfer of funds.

3. Full name, address, specific occupation, principal place of business of the lender and endorser, amount, and date for each loan.

4. Statement of each contribution, rebate, refund, or other receipts not listed in items 1 through 3 above.

(Sections 106.07(4)(a)(1)-(4) and 112.312(21), Fla. Stat.)

Returning Contributions

Contributions ***must be returned*** to the contributor ***if***:

- A candidate receives a contribution in excess of the limitations provided by law.
- A candidate with opposition in an election receives a contribution on the day of that election or less than five days prior to the date of that election.
- A candidate receives a contribution once they are elected, defeated, becomes unopposed, or withdraws their candidacy.

If the contribution to be returned has not been deposited into the campaign account, report the contribution as a contribution returned using Form DS-DE 2, Contributions Returned.

If the contribution has been deposited into the campaign account:

1. Report the contribution; and

2. Write a check from the campaign account to the contributor for the amount of the contribution and report this on the itemized contribution report using the contribution type "Refund." This amount is reported as a negative. The candidate may also wish to submit a signed, written explanation to the filing officer.

(Section 106.08, Fla. Stat.)

Reporting Expenditures

Each report *must* contain:

1. Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by each candidate on whose behalf such expenditure was made.

2. Full name and address of each person to whom an expenditure for personal services, salary, or reimbursed authorized expenses was made along with the amount, date, and clear purpose of the expenditure.

3. Total amount withdrawn and the total amount spent from the petty cash fund. Each expenditure from the petty cash fund need not be individually reported but complete records of petty cash expenditures must be kept.

4. Transaction information for each credit card purchase. Credit cards may be used by statewide (Governor, Cabinet, and Supreme Court Justice) candidates only. *(See Division of Elections Advisory Opinion 05-07.)*

5. Amount and nature of debts and obligations owed by or to the candidate, which relate to the conduct of any political campaign.

6. The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.

7. The primary purposes of an expenditure made indirectly through a campaign treasurer for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components that comprise 80 percent of such expenditure.

8. Total sum of expenditures during the reporting period.

(Section 106.07(4), Fla. Stat.)

Reporting Other Distributions

Every distribution should be reported during the coverage period when the distribution actually occurred, as is the case with the expenditures and contributions. The related distribution(s) and expenditure can and often do occur in different reporting periods.

Types of distributions:

- Prepaid
- Credit card purchases/payments
- Reimbursements
- In-kind

Reports *must* contain:

1. Full name and address of each person to whom payment for reimbursement was made by check drawn upon the campaign account together with the purpose of such payment.
2. Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance or other expenditures that include multiple integral components as part of the expenditure.
3. Distribution of goods and services to a candidate, committee or party.

(Section 106.07, Fla. Stat.)

Special Requirements for Judicial Retention Candidates

A candidate for retention as a Justice of the Supreme Court or a Judge of a District Court of Appeal who has not received any contributions or made any expenditures, may file a sworn statement on **Form DS-DE 96**, **Affidavit of Intention**, at the time of qualifying that they do not anticipate receiving contributions or making expenditures in connection with their candidacy for retention to office.

Such candidate must file a final report within 90 days following the general election for which the candidate's name appeared on the ballot for retention. The candidate may use **Form DS-DE 97**, **Affidavit of Compliance**, for this purpose.

A candidate for retention to judicial office who, after filing Form DS-DE 96 receives any contributions or makes any expenditures in connection with their candidacy for retention must immediately file a statement to that effect with the qualifying officer and must begin filing reports as an opposed candidate pursuant to Section 106.07, Florida Statutes.

(Sections 105.08(2) and 106.141, Fla. Stat.)

Chapter 17: Termination Reports

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, the candidate must dispose of the funds on deposit in their campaign account and file a campaign treasurer's report (termination report) reflecting the disposition of funds. The person may **only** expend funds from the campaign account to:

- Purchase "thank you" advertising for up to 75 days after they withdraw, become unopposed, is eliminated, or elected to office.
- Pay for items which were obligated before they withdrew, became unopposed, were eliminated, or elected to office.
- Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- Dispose of surplus funds as provided in Section 106.141, Florida Statutes.

(Section 106.11(5), Fla. Stat.)

Because individuals who seek election to a political party executive committee are not "candidates," they do not file termination reports.

Prior to Disposing of Surplus Funds

A candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

A candidate who filed an oath stating that they were unable to pay the fee for verification of petition signatures without imposing an undue burden on their personal resources or on resources otherwise available to them, must reimburse the state or local government entity, whichever is applicable, for such waived fee prior to disposing of any funds under the surplus provisions contained in Section 106.141(4), Florida Statutes.

(Section 106.141, Fla. Stat.)

Disposing of Surplus Funds

A candidate required to dispose of surplus funds must, at the option of the candidate, dispose of such funds within 90 days by any of the following means, or a combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of Section 501(c)(3) of the Internal Revenue Code, except that the candidate may not be employed by the charitable organization to which he or she donates the funds
3. Give not more than $25,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
    a. To the state to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund; or
    b. To such political subdivision, to be deposited in the general fund thereof.
5. Transfer funds to an office account. (See Chapter 20: Office Accounts.)
6. In the case of a candidate elected to state office, retain up to $20,000 in the campaign account for re-election to the same office. (See Chapter 21: Carryover Campaign Funds.)

(Section 106.141(3)-(5), (6)(b), Fla. Stat.)

Content of Report

The termination report *must* include:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made together with the amount and purpose; and
3. The amount of such funds transferred to an office account together with the name and address of the bank in which the office account is located.
4. The amount of such funds retained in a campaign account pursuant to Section 106.141(6) Florida Statutes, together with the name and address of the bank in which the retained funds are located.

If a refund check is received after all surplus funds have been disposed of, the check may be

endorsed by the candidate and the refund disposed of pursuant to Section 106.141, Florida Statutes. An amended termination report must be filed with the filing officer.

All reports must be signed by the candidate and the campaign treasurer and certified as true and correct.

(Section 106.141(8), Fla. Stat.)

Money from Separate Interest-Bearing Account or Certificate of Deposit

A campaign treasurer of any candidate who withdraws, becomes unopposed, or is eliminated, or elected to office, and who has funds on deposit in any interest-bearing account or certificate of deposit must, within seven days, transfer such funds and accumulated interest earned thereon to the primary campaign account for disposal. However, when funds are in an account in which penalties will apply for withdrawal within the seven-day period, the campaign treasurer must transfer such funds and accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws their candidacy, or is elected, or eliminated, whichever comes first.

(Section 106.141, Fla. Stat.)

Campaign Loans Report

A person elected to office must report all loans, exceeding $500 in value, made to them and used for campaign purposes, and made in the twelve months preceding their election to office, to the filing officer. The report must be made on Forms DS-DE 73 and DS-DE 73A, Campaign Loans Report, within ten days after being elected to office.

Any person who makes a contribution to an individual to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in Section 106.08(1), Florida Statutes.

(Section 106.075, Fla. Stat.)

Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made.

(Section 106.0702(1), Fla. Stat.)

Where to File

The report shall be filed with the Supervisor of Elections of the appropriate county.

When to File

The report shall be filed on the fourth day immediately preceding the primary election.

Reports shall be filed no later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service by the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within five days after the designated due date shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due is proof of mailing in a timely manner.

The report filed must contain information of all contributions received and expenditures made as of the day preceding the designated due date. All such reports must be open to public inspection.

(Section 106.0702(2)(a), Fla. Stat.)

A reporting individual may submit the report required under this section through an electronic filing system, if used by the supervisor for other candidates, in order to satisfy the filing requirement. Such reports shall be completed and filed through the electronic filing system not later than midnight on the fourth day immediately preceding the primary election.

(Section 106.0702(2)(b), Fla. Stat.)

Termination Reports Not Required

Because individuals seeking a publicly elected position on a political party executive committee are not "candidates," such individuals are not required to file termination reports.

Penalty for Late Filing

Any reporting individual who fails to file a report on the designated due date shall be subject to a fine of $50 per day for the first three days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater.

(Section 106.0702(7), Fla. Stat.)

Incomplete Reports

Although the Division's Electronic Filing System will allow a candidate to file an incomplete report, an incomplete report is not in compliance with the Florida Statutes.

If a candidate or campaign treasurer files a report that is deemed incomplete, they will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The candidate or campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report. Failure to file a complete report after notice constitutes a violation of Chapter 106, Florida Statutes.

(Section 106.07(2), Fla. Stat.)

Reporting Requirements

Each report *must* contain:

- Full name, address, specific occupation, amount, and date for each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. The occupation or principal type of business is not required if the contribution is $100 or less, or from a relative provided the relationship is reported.
- Full name, address, specific occupation, principal place of business of the lender and endorser, amount, and date for each loan.

- Statement of each contribution, rebate, refund, or other receipts not listed in above.
- Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by the reporting individual on whose behalf such expenditure was made.
- Transaction information for each credit card purchase.
- Amount and nature of debts and obligations owed by or to the reporting individual which relate to the conduct of any political campaign.
- The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.

(Sections 106.0702(4) and 112.312(21), Fla. Stat.)

Chapter 19: Electronic Filing of Campaign Reports

The Electronic Filing System (EFS) is an Internet system for recording and reporting campaign finance activity by reporting period. Each candidate required to file reports with the Division pursuant to Section 106.07, Florida Statutes, must do so using the Division's EFS.

Reports filed:

- Must be completed and filed through the EFS not later than 12:00 midnight, Eastern Time, of the due date. Reports not filed by this time are late filed and are subject to the penalties under Section 106.07(8) or 106.29(3), Florida Statutes, as applicable.

- Are considered to be under oath by the candidate and treasurer, and such persons are subject to provisions of Section 106.07(5) or 106.29(2), Florida Statutes, as applicable.

(Sections 106.0705 and 106.0706, Fla. Stat.)

Accessing the EFS

The EFS can be accessed at efs.dos.state.fl.us. The Division provides each candidate an identification number and initial password to gain entry. After logging in using the initial password, the system will prompt the user to change the temporary password to a confidential one.

A person given a secure sign-on to the EFS is responsible for protecting the credentials from disclosure and for all filings using such credentials, unless they have notified the Division that their credentials have been compromised. Contact the Division immediately if your password has been compromised.

Creating Reports

Campaign reports must be entered, saved, reviewed, and filed via the EFS either by directly entering data into the web application or by uploading data using an approved vendor's software. The Division maintains a list of software vendors whose programs meet the file specifications for filing campaign reports.

For instructions on uploading reports, see the Candidates User Guide - PDF (DS-DE 110A) located on the Division's website.

Submitting Reports

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a **PIN** (personal identification number) that allows the person to file reports via the EFS. **A person's PIN is considered the same as that person's signature on a filed report.**

Electronic Receipts

The person filing a report via the EFS may print an electronic receipt verifying the report was filed with the Division. Each report filed via the EFS is considered to be under oath and such persons filing the report are subject to the provisions of Chapter 106, Florida Statutes.

Help Line and User Guide

EFS HELP LINE

(850) 245-6280

EFS HELP GUIDE

Candidates User Guide – PDF (Candidates User Guide - PDF (DS-DE 110A)
(Listed under Electronic Filing System Resources.)

dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports

Note: For further information on the EFS, see Rule 1S-2.017, Florida Administrative Code, *Reporting Requirements for Campaign Treasurer's Reports*.

Chapter 20: Office Accounts

A candidate elected to office or a candidate who will be elected to office by virtue of them being unopposed may, in addition to disposing of all the funds in the campaign account in accordance with Section 106.141(4), Florida Statutes, transfer funds from the campaign account to an office account.

Transfer Limits

- $50,000 for a candidate for statewide office.
- $10,000 for a candidate for multi-county office.
- $10,000 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.
- $5,000 multiplied by the number of years in office for which elected, for a candidate for county office or for a candidate for any election on less than a countywide basis.
- $6,000 for a candidate for retention as a justice of the Supreme Court.
- $3,000 for a candidate for retention as a judge of a district court of appeal.
- $3,000 for a candidate for county court judge or circuit judge.

(Section 106.141(5), Fla. Stat.)

Using the Office Account

The office account must be separate and apart from any other account, including any other type of "office account" such as a legislative account. Any funds so retained by a candidate must be used only for legitimate expenses in connection with the candidate's public office, which may include:

1. Travel expenses incurred by the officer or staff member;
2. Personal taxes payable on office account funds by the candidate or elected public official;
3. Professional services provided by a certified public accountant or attorney for preparation of the election public official's financial disclosure filing pursuant to Section 112.3144 or 112.3145, Florida Statutes;

4. Costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official's public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in Section 106.011, Florida Statutes;

5. Fees or dues to religious, civic, or charitable organizations of which the elected public official is a member;

6. Items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public official's personal attendance at a constituent's special event of family occasion, such as the birth of a child, graduation, wedding, or funeral;

7. Personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or

8. Expenses incurred in the operation of the elected public official's office, including the employment of additional staff.

As the duties and responsibilities of each office are different, what are considered "legitimate expenses in connection with the candidate's public office" will vary. For additional information, please contact the legal or accounting department for your office.

If a candidate is re-elected to office or elected to another office and has funds remaining in the office account, the candidate may transfer surplus campaign funds to the office account. However, at no time may the total funds in the office account exceed the limitation imposed by Section 106.141(5), Florida Statutes.

(Section 106.141(5), Fla. Stat.)

Reporting Office Account Funds

A candidate is required to file a report on the tenth day following the end of each calendar quarter following the 90-day termination report until the office account is closed.

The officers required to file office account reports with the Division must file reports electronically using the office account electronic filing system.

Unless the county or city has a different process, those candidates required to file with county or city filing officers must file reports using the following forms:

- **Form DS-DE 48**, Office Account Report.
- **Form DS-DE 48A**, Office Account Disbursement or Deposit Information.

Upon leaving office, any person who has funds in an office account shall give such funds to:

- A charitable organization or organizations that meet the requirements of Section 501(c)(3) of the Internal Revenue Code;
- In the case of a state officer, to the state to be deposited in the General Revenue Fund; or
- In the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Such reports shall be signed by the candidate, certified as true and correct, and filed with the officer before whom campaign reports were filed.

(Sections 106.141(5) and (9), Fla. Stat.;
Division of Elections Advisory Opinion 06-04)

Chapter 21: Carryover Campaign Funds

A candidate elected to ***state office*** or a candidate who will be elected to state office by virtue of them being unopposed after candidate qualifying ends, may retain up to $20,000 in their campaign account, or in an interest-bearing account or certificate of deposit, for use in their next campaign for the same office, in addition to the disposition methods provided in subsections 106.141 (4) and (5), Florida Statutes. All requirements applicable to candidate campaign accounts under Chapter 106, Florida Statutes, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

The term "**state office**" means Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senator, State Representative, Justice of the Supreme Court, District Court of Appeal Judge, Circuit Court Judge, State Attorney, and Public Defender.

The term "**same office**" with respect to *legislative office* means an office in the same legislative body, irrespective of district number or designation or geographic boundary.

If a candidate who has retained funds under this subsection does not qualify as a candidate for re-election to the same office, all retained funds shall be disposed of as otherwise required by Section 106.141 or 106.11(5), Florida Statutes, within 90 days after the last day of candidate qualifying for that office. Requirements in this section applicable to the disposal of surplus funds, including reporting requirements, are applicable to the disposal of retained funds.

(Section 106.141(6), Fla. Stat.)

Chapter 22: Recordkeeping

Contributions

- The campaign treasurer of each candidate shall keep detailed accounts of all contributions received, which shall be current within not more than two days after the date of receiving the contribution.

(Section 106.06, Fla. Stat.)

- All funds received by the campaign treasurer of any candidate shall be deposited in the campaign depository prior to the end of the fifth business day following receipt (Saturdays, Sundays, and legal holidays excluded).

(Section 106.05, Fla. Stat.)

- All money and contributions received with respect to a campaign fund raiser are deemed campaign contributions and shall be accounted for and subject to the same restrictions as other campaign contributions.

(Section 106.025, Fla. Stat.)

- All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

(Section 106.05, Fla. Stat.)

- The campaign treasurer shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and of all interest earned.

(Section 106.06, Fla. Stat.)

- Contributions deposited in a secondary campaign depository shall be forwarded to the primary campaign depository prior to the end of the first business day following the deposit. A copy of the deposit slip shall accompany the deposit.

(Section 106.05, Fla. Stat.)

Expenditures

- The campaign treasurer of each candidate shall keep detailed accounts of all expenditures made, which shall be current within not more than two days after the making of the expenditure.

(Section 106.06, Fla. Stat.)

- Credit Cards for Statewide (Governor, Cabinet, and Supreme Court Justice) Candidates Only - Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee.

(Sections 106.07 and 106.125, Fla. Stat.)

- Receipts for debit card transactions must contain:

    1. the last four digits of the debit card number;
    2. the exact amount of the expenditure;
    3. the name of the payee;
    4. the signature of the campaign treasurer, deputy treasurer, or authorized user; and
    5. the exact purpose for which the expenditure is authorized.

    Any information required but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

    (Section 106.11, Fla. Stat.)

- All expenditures made with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account shall be deemed to be campaign expenditures to be accounted for and subject to the same restrictions as other campaign expenditures.

    (Section 106.025, Fla. Stat.)

- The campaign treasurer shall keep detailed accounts of all withdrawals made from any separate interest-bearing account or certificate of deposit to the primary depository and of all interest earned.

    (Section 106.06, Fla. Stat.)

- The campaign treasurer shall retain the records pursuant to Section 106.06, Florida Statutes.

    (Section 106.07, Fla. Stat.)

Preservation of Accounts

Accounts kept by the campaign treasurer of a candidate shall be preserved by such treasurer for a number of years equal to the term of the office to which the candidate seeks election.

(Section 106.06, Fla. Stat.)

Inspections

- Accounts kept by the campaign treasurer of a candidate, including separate interest-bearing accounts and certificates of deposit, may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division or the Florida Elections Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

  (Section 106.06(2), Fla. Stat.)

- Records maintained by the campaign depository shall be subject to inspection by an agent of the Division or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division or Florida Elections Commission upon request.

  (Section 106.07(6), Fla. Stat.)

- It is the duty of the Division to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of Chapter 106, Florida Statutes, and with respect to alleged failures to file any report or statement required under the provisions of Chapter 106, Florida Statutes.

  (Section 106.22(6), Fla. Stat.)

- It is the duty of the Division to conduct random audits with respect to reports and statements filed under Chapter 106, Florida Statutes, and with respect to alleged failure to file any reports and statements required under Chapter 106, Florida Statutes.

  (Section 106.22(10), Fla. Stat.)

Chapter 23: Recordkeeping Tips

The Division offers the following best practices to help campaign treasurers in setting up a system to record and maintain campaign information.

- Keep a schedule of due dates for campaign treasurer's reports. The Division's website provides each candidate with a calendar of election and reporting dates.
- Know what period of time each report covers and only report activity occurring during that reporting period.
- If filing with the Division, keep a copy of the electronic receipt for each report filed for your own records. If filing with the local officers, keep the certificate of mailing.
- Record all contributions when received. Make sure to include the name, address, specific occupation, or principal type of business if over $100, amount, and date of each contribution. Keep contributions itemized by monetary, in-kind, and loans.
- Record all expenditures when they occur. List the name and address of each person to whom the expenditure was made along with the amount, date, and specific purpose.
- Keep a petty cash ledger of all expenditures. These individual listings do not have to be listed on campaign treasurer's reports. However, you must list the total amount withdrawn and total amount spent per reporting period.
- Monitor the cash flow to know how much money is available at all times in the account to avoid any possibility of authorizing an expenditure when money is not available to pay for such expenditure.
- Maintain a listing of all funds currently in the separate interest-bearing account, certificate of deposit or money market account.
- Make sure an authorization for advertising has been obtained from the candidate.

Chapter 24: Florida Elections Commission

The Florida Elections Commission (FEC) is a separate and independent entity from the Division. The FEC consists of nine members appointed by the Governor from lists of names submitted by legislative leaders.

Automatic Fine Appeal Process

Any candidate may appeal or dispute a fine for a late filed campaign treasurer's report. The appeal must be based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date. The candidate may request and is entitled to a hearing before the FEC, which has the authority to waive the fine in whole or in part.

The appeal must be made within 20 days of the receipt of the notice of payment due. The candidate must, within the 20-day period, notify the filing officer in writing of their intention to bring the matter before the FEC.

(Section 106.07(8)(c), Fla. Stat.)

Complaint Process

Any person who has information of a violation of Chapter 104 or 106, Florida Statutes, shall file a sworn complaint with the FEC by completing a complaint form and addressing it to:

The Florida Elections Commission
107 West Gaines Street
Suite 224, Collins Building
Tallahassee, FL 32399-1050

A complaint form (FEC Form 1) may be obtained from the FEC or downloaded from the FEC's website at www.fec.state.fl.us. For additional information, contact the FEC at **850.922.4539**.

(Sections 106.25 and 106.28, Fla. Stat.)

Appendices

Appendix A: Legal References and Rules Cited

Constitution

Constitution of the State of Florida

Florida Election Code

- Chapter 99 Candidates
- Chapter 103 Presidential Electors; Political Parties; Executive Committees and Members
- Chapter 104 Violation; Penalties
- Chapter 105 Nonpartisan Elections
- Chapter 106 Campaign Financing
- Chapter 287 Procurement of Personal Property and Services

Florida Statutes

- 97.012 Secretary of State as chief election officer.
- 97.021 Definitions.
- 98.015 Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties.
- 99.012 Restrictions on individuals qualifying for public office.
- 99.021 Form of candidate oath.
- 99.0955 Candidates with no party affiliation; name on general election ballot.
- 100.111 Filling vacancy.
- 103.091 Political parties.
- 103.095 Minor political parties.
- 104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.
- 104.2715 False representations of military service; penalty.
- 105.011 Definitions.
- 105.031 Qualification; filing fee; candidate's oath; items required to be filed.
- 105.071 Candidates for judicial office; limitations on political activity.
- 105.08 Campaign contribution and expense; reporting.
- 106.011 Definitions.
- 106.021 Campaign treasurers; deputies; primary and secondary depositories.
- 106.023 Statement of candidate.
- 106.025 Campaign fund raisers.
- 106.05 Deposit of contributions; statement of campaign treasurer.
- 106.055 Valuation of in-kind contributions.
- 106.06 Treasurer to keep records; inspections.
- 106.07 Reports; certification and filing.
- 106.0701 Solicitation of contributions on behalf of s. 527 or s. 501(c)(4) organizations; reporting requirements; civil penalty; exemption.
- 106.0702 Reporting; political party executive committee candidates.
- 106.0705 Electronic filing of campaign treasurer's reports.
- 106.0706 Electronic filing of campaign finance reports; public records exemption.
- 106.071 Independent expenditures; electioneering communications; reports; disclaimers.
- 106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.
- 106.08 Contributions; limitations on.

- 106.09 Cash contributions and contribution by cashier's checks.
- 106.11 Expenses of and expenditures by candidates and political committees.
- 106.12 Petty cash funds allowed.
- 106.125 Credit cards; conditions on use.
- 106.14 Utilities; deposits; prior authorization.
- 106.1405 Use of campaign funds.
- 106.141 Disposition of surplus funds by candidates.
- 106.143 Political advertisements circulated prior to election; requirements.
- 106.1437 Miscellaneous advertisements.
- 106.1439 Electioneering communications; disclaimers.
- 106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.
- 106.1475 Telephone solicitation; registered agent requirements; penalty.
- 106.15 Certain acts prohibited.
- 106.165 Use of closed captioning and descriptive narrative in all television broadcasts.
- 106.19 Violations by candidates, persons connected with campaigns, and political committees.
- 106.22 Duties of the Division of Elections.
- 106.23 Powers of the Division of Elections.
- 106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.
- 106.265 Civil penalties.
- 106.28 Limitation of actions.
- 106.29 Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.
- 112.312 Definitions.
- 112.3144 Full and public disclosure of financial interests.
- 112.3145 Disclosure of financial interests and clients represented before agencies.
- 775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.
- 775.083 Fines.
- 849.09 Lottery prohibited; exceptions.

Florida Administrative Code

Rule 1S-2.017 Reporting Requirements for Campaign Treasurer's Reports

Forms

- DS-DE 2 Contributions Returned
- DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
- DS-DE 48 Office Account Forms
- DS-DE 48A Office Account Disbursement of Deposit Information
- DS-DE 73 Campaign Loans Report
- DS-DE 73A Campaign Loans Report Itemized
- DS-DE 83 Statement of Candidate for Judicial Office
- DS-DE 84 Statement of Candidate
- DS-DE 86 Request for Return of Contribution
- DS-DE 96 Affidavit of Intention (Supreme Court & DCA only)
- DS-DE 97 Affidavit of Compliance (Supreme Court & DCA only)
- DS-DE 100 Telephone Solicitation Registered Agent Form
- DS-DE 102 Statement of Solicitation
- DS-DE 104 Candidate Petition Form

Division of Elections Advisory Opinions

- DE 76-10 Personal Bank Loan to Candidate
- DE 78-34 Judicial Candidates; Attendance at Political Party Functions
- DE 82-6 Prohibition on "Earmarked" Contributions Through Conduit
- DE 89-02 Anonymous Contributions
- DE 90-15 Cash Contributions and Contributions by Cashier's Checks
- DE 92-16 Loan to Candidate
- DE 94-02 Use of Money Orders as Campaign Contribution
- DE 00-03 Use of Debit and Credit Cards for Campaign Contributions and Expenditures
- DE 02-09 Campaign Contribution via Wire Transfer
- DE 04-03 Candidates; Membership in Political or Civic Groups
- DE 04-06 Section 99.012, Florida Statutes, "Resign to Run;" and section 106.011(3), Florida Statutes, In-kind Contributions
- DE 05-07 Political Party State Executive Committee Reporting Requirements
- DE 06-04 Disposition of Surplus Funds by a Non-Partisan Municipal Candidate; § 106.141(4)(a)3, Florida Statutes.
- DE 06-10 Petty Cash: Definition of the Term "Other Necessities"; and Reimbursement for Campaign Expenses; §§ 106.12(3) and 106.021(3), Florida Statutes
- DE 09-03 Campaign Financing - Soliciting and Receiving Contributions via Pay Pal §§ 106.05 and 106.08(5), Florida Statutes
- DE 09-08 Campaign Financing - In-Kind Contributions and Valuation of Private Aircraft Travel §§ 106.055 and 106.08(2), Florida Statutes
- DE 10-11 Prohibition on "Earmarked" Contributions Through Conduit
- DE 16-12 Advertising - Political Disclaimers; Meaning of "Expressly Advocates"; Electioneering Communications; §§ 106.011, 106.143, 106.1439, Florida Statutes

Campaign Finance Reporting Guides and System

- Electronic Filing System
- EFS User Guide (see specifically *Candidates User Guide - PDF (DS-DE 110A)*)
- Calendar of Reporting Dates (see *Candidates, Political Committees, Electioneering Communications Organizations - PDF* under Campaign Finance Reporting Dates)
- Office Accounts

Code of Judicial Conduct

www.floridasupremecourt.org/Opinions/Judicial-Ethics-Advisory-Committee/Code-of-Judicial-Conduct2

Appendix B: Frequently Asked Questions

Candidates

Q1. If I want to be a no party affiliation candidate, can I still be registered to vote as a Republican or Democrat?

No. Any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section 99.021(1)(c), Fla. Stat.)

Q2. Do I have to designate a campaign treasurer and depository before I make public my intention to run for office?

No. Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository as long as no contributions are received and no expenditures are made in connection with that announcement. A person must appoint a campaign treasurer and designate a depository prior to qualifying for office, obtaining signatures on petitions, accepting contributions or making expenditures.

(Section 106.021, Fla. Stat.)

Q3. How do I change my campaign treasurer or other officers?

File a reappointment of campaign treasurer (Form DS-DE 9) with the filing officer along with a copy of the signed letter of resignation or removal.

Q4. How are judges elected in Florida and what are their terms?

Merit Retention

Not all judges in Florida are elected to office. Supreme Court Justices and Judges of the District Court of Appeal are always appointed by the Governor from a list of three to six candidates presented by the Judicial Nominating Commission for that court. The appointed term lasts through the next general election occurring at least one year after the date of appointment and, thereafter, must face a "yes" or "no" vote every six years as to whether they will remain in office. If a judge is not retained, the appointment process starts again. More information can be found from the Florida State Courts website (www.flcourts.org).

Elected Judges

Elected circuit judges and county court judges have six-year terms that begin on the first

Tuesday after the first Monday in January following the general election. They are on the primary and general election ballots the year before the term ends in January. If a judicial candidate receives a majority of the votes at the primary election, the candidate's name will not appear on the general election ballot unless a write-in candidate has qualified for the same office. If no candidate receives a majority of the votes at the primary election, the names of the two candidates receiving the highest number of votes will appear on the general election ballot. The candidate receiving the highest number of votes at the general election is elected to office.

Q5. Can a judicial candidate speak at a political party function?

A judicial candidate may attend and speak in their own behalf at political party functions. However, care must be exercised to ensure compliance with the election laws and the Code of Judicial Conduct. *(See Chapter 105, Florida Statutes, and Division of Elections Advisory Opinion 78-34.)* See also opinions of the Judicial Ethics Advisory Committee.

Q6. I am a county court judge candidate. Where do I file and qualify?

You must file your qualifying papers with the Supervisor of Elections office in the county where you reside.

(Section 105.031, Fla. Stat.)

Q7. When can I start collecting signatures to qualify as a petition candidate?

Before collecting any signatures, all candidates (except federal and special district candidates) must file the Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9) with the filing officer. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the Supervisor of Elections of the county in which such petition was circulated.

(Section 106.021(1)(a), Fla. Stat.)

Campaign Finance

Q8. Do persons running for a political party executive committee office (e.g. precinct committeeperson) for precinct committeeperson have to file campaign reports?

Only if the person has received a contribution or made an expenditure; if applicable, the person files a single report on the fourth day before the primary election. Although, persons seeking election to political party executive committees are specifically exempt from the definition of "candidate," the political party executive office falls within the definition of "election."

(Sections 103.091, 106.011(3) and (7), and 106.0702 Fla. Stat.)

Q9. May a candidate appoint themselves as campaign treasurer?

Yes.

(Section 106.021(1)(c), Fla. Stat.)

Q10. Must a campaign treasurer be a registered voter in Florida?

No.

(Section 106.021(1)(c), Fla. Stat.)

Q11. How many deputy treasurers may a candidate have?

Candidates for statewide office may appoint up to 15 deputy treasurers. Other candidates may appoint up to 3 deputy treasurers.

(Section 106.021(1)(a), Fla. Stat.)

Q12. Can a deputy treasurer file and submit campaign reports?

Yes. A deputy treasurer may perform all of the duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer.

(Section 106.021(4), Fla. Stat.)

Q13. Who is responsible for keeping tabs on aggregate totals of campaign contributions?

The campaign treasurer is responsible for receiving and reporting all contributions.

(Section 106.06, Fla. Stat.)

Q14. May a candidate accept a contribution from a trust fund?

Yes. Chapter 106, Florida Statutes, defines a "person" as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes a political party, affiliated party committee, or political committee. As a “person” a trust fund may make contributions subject to the limitations set forth in Section 106.08, Florida Statutes.

(Section 106.011(14) and 106.08, Fla. Stat.)

Q15. Do I have to itemize small contributions of $5, $10, $50, etc.?

Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required.

(Section 106.07(4)(a), Fla. Stat.)

Q16. Are in-kind contributions subject to the same limitations as monetary contributions?

Yes. In Chapter 106, Florida Statutes, the definition of a "contribution" includes contributions in-kind having an attributable monetary value in any form. Therefore, in-kind contributions are subject to the same limitations set for monetary contributions.

(Sections 106.011(5) and 106.08, Fla. Stat.)

Q17. How is the value of an in-kind contribution determined?

The contributor must inform the person receiving the contribution of the fair market value at the time it is given.

(Section 106.055, Fla. Stat.)

Q18. Can a corporation give to a candidate, political committee or political party?

Yes. A corporation is under the definition of a "person" in Chapter 106, Florida Statutes. As a "person" a corporation may make contributions subject to the limitations set forth in Section 106.08, Florida Statutes.

(Sections 106.011(14) and 106.08, Fla. Stat.)

Q19. I am opposed in the general election, but I have no opposition in the primary election, therefore, my name will not be on the primary election ballot. Must I abide by the prohibition on accepting contributions less than five days prior to the primary election?

No. Only candidates opposed in the primary election are required to comply. However, since you are opposed and your name will appear on the general election ballot, you are required to abide by the prohibition on accepting contributions less than five days prior to the general election.

(Section 106.08(3), Fla. Stat.)

Q20. Can I conduct a raffle to raise money for my campaign?

No. Pursuant to Section 849.09, Florida Statutes, it is unlawful for any person in this state to set up, promote, or conduct any lottery for money or anything of value.

Q21. I was given cash at a rally and have no information on who it is from. What do I do?

Report this contribution on your campaign report but do not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section 106.141, Florida Statutes.

(Division of Elections Advisory Opinion 89-02)

Q22. What are considered "legitimate office expenses" for purposes of office accounts?

As the duties and responsibilities of each office are different, what are considered legitimate

office expenses will vary. For expenses not specifically listed in Section 106.141(5), Florida Statutes, please contact your office's legal or accounting department.

Q23. Can I use my leftover campaign funds to help fund my future re-election?

No, unless you have been elected to a state office or will be elected to state office after being unopposed after the end of the qualifying period and you seek re-election to the same office. If the exception applies to you, you may retain up to $20,000 in your campaign account.

(Section 106.141(6), Fla. Stat.)

Q24. I am an elected official and still have funds in my office account. I am now beginning my re-election campaign. May I place the surplus funds in the office account into my campaign account for re-election?

No. Funds retained by elected officials in their office accounts may only be used for legitimate expenses in connection with their public office.

(Section 106.141(5), Fla. Stat.)

Q25. Do I have to file campaign reports on the Electronic Filing System (EFS)?

If the Division is your filing officer, you are required to file all campaign reports via the EFS. If your filing officer is other than the Division, contact that office to find out its requirements.

(Section 106.0705, Fla. Stat.)

Q26. If my treasurer is out of town, can I have an extension to file my report?

No. The election laws do not provide for an extension under these circumstances.

(Sections 106.07(2)(b) and (3), Fla. Stat.)

Q27. If I make a mistake on my report can I go back in and correct it on the EFS?

Once the report is submitted to the Division, the EFS will not permit you to go back and make changes. In order to correct mistakes or add and delete information, you must submit an "amendment." If you add activity to a waiver after the report due date, a fine will be imposed based upon the new filing date in accordance with Section 106.07(8)(b), Florida Statutes.

Q28. If I am late submitting my report, how is my fine calculated?

$50 per day for the first three days late and, thereafter, $500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding the primary and general election, the fine shall be $500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

(Section 106.07(8)(b), Fla. Stat.)

Q29. If I am late submitting my notification of no activity, is an automatic fine assessed?

No, because you had no receipts or expenditures during the reporting period. *However*, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do so may constitute a violation of Sections 106.07(1) and 106.19(1)(c), Florida Statutes. The Division is required to notify the Florida Elections Commission of any apparent violation of Chapter 106, Florida Statutes, or any failure to file a report or information required by Chapter 106, Florida Statutes. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to $1,000 per violation.

Q30. How long are campaign records kept at the Division of Elections or the Supervisor of Elections?

Ten years from the date of receipt.

(Sections 98.015(5) and 106.22(4), Fla. Stat.)

Q31. Does the prohibition against accepting contributions five days prior to an election for candidates apply to individuals running for political party executive committee positions?

No, because the prohibition in Section 106.08(3)(a), Florida Statutes, applies only to a "contribution received by a candidate" and persons running for political party executive committee positions are not "candidates."

Q32. How can I tell if a provision in Chapter 106, Florida Statutes, applies to individuals running for political party executive committee positions?

Aside from the provisions of Section 106.0702, Florida Statutes, expressly applying to these individuals, use the following as a general rule:

If the provision in Chapter 106, Florida Statutes, applies only to a "candidate" or "candidates," and individuals running for political party executive committee positions are not "candidates," the provision *will not apply*. However, if the provision applies to an "election" without reference to "candidates," and because selecting a member of a political party executive committee is included in the definition of "election," the provision *will apply*.

Appendix C: Deadlines for Accepting Contributions

	Other Offices (except Supreme Court)	Justice of the Supreme Court	Judge of a District Court of Appeal	Circuit Judge or County Court Judge
If opposed in the primary election the candidate may accept:	$1,000 no later than midnight on August 15, 2024			$1,000 no later than midnight on August 15, 2024
If opposed in the primary and general elections the candidate may accept:	• $1,000 no later than midnight on August 15, 2024; • $1,000 between August 21 and midnight on October 31, 2024			• $1,000 no later than midnight on August 15, 2024; • $1,000 between August 21 and midnight on October 31, 2024
If opposed only in the general election, the candidate may accept:	• $1,000 no later than midnight on August 20, 2024; • $1,000 between August 21 and midnight on October 31, 2024			
Considered an opposed candidate but only has one election, the general election, may accept:		$3,000 no later than midnight on October 31, 2024 ***	$1,000 no later than midnight on October 31, 2024 ***	

****Contributions may be accepted during the primary election, but must be applied toward the general election limitation.*

For further assistance,
contact the Division of Elections
Help Desk at (850) 245-6280.

POLITICAL ADVERTISEMENT REQUIREMENTS

F.S. 106.143(1)(a) states:

"Any political advertisement that is paid for by a candidate that is published, displayed, or circulated prior to, or on the day of, any election must prominently state:

> "Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)
>
> or
>
> "Paid by (name of candidate), (party affiliation), for (office sought)

However, the Florida Division of Elections advises that non-partisan candidates should only put their name and the office sought (Largo City Commission Seat 3, 4, or Mayor)

- For advertisements not paid for by the candidate see Section 106.143(1)(c), which states:

  (c) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

  1. Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."
  2. State the name and address of the persons paying for the advertisement.
  3. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

- The term "re-elect" may only be used by incumbents.
- "For" must be included between the candidate's name and the office sought for non-incumbents. (Section 106.143(6))

Sample political advertisements are attached for your review.

**** Please see Section 106.43(10) for specific instances where the above restrictions do not apply****

ANY PERSON WHO WILLFULLY VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO CIVIL PENALTIES. VIOLATIONS SHOULD BE REPORTED TO THE FLORIDA ELECTIONS COMMISSION, (850) 922-4539.

Please get a property owner's permission to place signs on private property!!

Pursuant to City Code Section 2-307, City staff will store the first ten (10) illegally placed signs of each candidate that have been removed in a location where the signs may be retrieved by the candidates. If more than ten (10) illegally placed signs for any candidate are removed by City staff, the candidate will not be allowed to retrieve any more than ten (10) confiscated signs until after election day. Any signs not retrieved by a candidate within five (5) days after the election shall be disposed of by the City.

Comprehensive Development Code (CDC) Section 12.10 Development Permit Not Required –

A Development Permit is not required for the following sign types, provided all other provisions of this section of the CDC are met:

I. Temporary Signs – temporary signs are signs that are designed and permitted for short periods of display.

(1) Each parcel of land within the City shall be allowed temporary signage at any given time on the parcel. Each individual sign shall be no more than three (3) square feet in size and each parcel of land shall have no more than two (2) total temporary signs at any one time.

(2) Beginning 90 days prior to and extending no more than 7 days following any election in which residents of the City are eligible to vote, additional temporary signage shall be allowed up to a maximum of five (5) signs per parcel. Each sign shall be no more than 10 square feet.

* A complete copy of the Comprehensive Development Code (CDC) sign regulations is included in the Candidate Guide.

The complete CDC is available on the City's website, www.largo.com.

ELECT

John Q. Citizen

for

Largo City Commission
Seat 10

Political advertisement paid for and approved by John Q. Citizen for Largo City Commission Seat 10

or

Paid by John Q. Citizen for Largo City Commission Seat 10

Sample – Non-Incumbent

RE-ELECT

Jane Q. Citizen

Largo City Commission
Seat 12

Political advertisement paid for and approved by Jane Q. Citizen for Largo City Commission Seat 12

or

Paid by Jane Q. Citizen for Largo City Commission Seat 12

Sample - Incumbent

Chapter 12 SIGN STANDARDS[1]

Section 12.1 Purpose and Intent

The purpose of this Chapter is to regulate the number, size, type, use, design, construction and location of signs within the City. These standards are established to promote the overall economic well-being of the businesses in the City, while at the same time promoting the health, safety, and general welfare of citizens through implementation of reasonable, consistent, and nondiscriminatory sign standards. The sign standards in this Chapter are content-neutral and not intended to censor speech or regulate viewpoints, but instead are intended to regulate the time, place, and manner of speech and to preserve and enhance the City of Largo as a desirable community in which to live, visit, and do business. These sign standards are intended to meet the following objectives:

A. To regulate the time, place, and manner in which signs may be exhibited;

B. To protect the right of free speech;

C. To encourage the effective use of signs as a means of communication in the City and aid in the identification and location of an establishment, organization, and/or neighborhood;

D. To maintain and enhance the aesthetic environment and thereby the City's ability to attract sources of economic development and growth, including enhancing the tourism industry;

E. To minimize the possible adverse effect of signs on nearby public and private property;

F. To ensure that signs are compatible with the surrounding built environment, including adjacent architecture and neighborhoods, and that they complement each other rather than detract from one another;

G. To lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

H. To allow signs that are compatible with their surroundings and contribute to wayfinding, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;

I. To encourage and allow signs that are appropriate to the land use designation in which they are located and consistent with the category of use and function to which they pertain;

J. To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to the category of use and function to which it pertains;

K. To categorize and regulate signs based upon their function;

L. To preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

[1]Ord. No. 2024-04 , § 2, adopted Nov. 21, 2023, amended Ch. 12 in its entirety to read as herein set out. Former Ch. 12, §§ 12.1—12.11, pertained to similar subject matter, and derived from the 2018 CDC and Ord. No. 2019-26 , §§ 2, 3, adopted April 2, 2019.

M. To regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

N. To provide exemptions and exception for certain sign types and required permits to the extent expressly preempted by state or federal law, while ensuring that such signs are constructed, installed and maintained in a safe and satisfactory manner;

O. To allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

P. To protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;

Q. To protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods and other signs in that area;

R. To regulate the appearance and design of signs in a manner that preserves the beauty and unique character of the City by protecting it from visual blight and providing a pleasing environmental setting and community appearance, which is deemed vital to the attraction and retention of business and commerce;

S. To streamline the approval process by requiring master signage plans;

T. To allow for governmental signs placed within the community that promote the City's tourism and provide information to citizens and visitors;

U. To reduce the number of nonconforming signs in the City;

V. To promote signage and support structures that employ sustainable designs and technologies with respect to their construction, maintenance, and operation (e.g., recycled materials, energy efficient, low energy usage bulbs, etc.); and

W. To provide for the administration of this chapter and enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.2 Authority

This Chapter of the CDC implements the City's adopted Comprehensive Plan and Strategic Plan and is consistent with requirements of Section 163.3202(2)(f), Florida Statutes.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.3 Applicability and Exemptions

12.3.1 Applicability

A. This Chapter applies to all signs within the City unless specifically exempted. If a sign type is not specifically exempt or allowed through these sign standards, it shall be considered prohibited under this Chapter.

B. This Chapter applies to all permanent and temporary signs, sign structures, awnings, and other types of signs within the City, without regard to whether a sign contains commercial or non-commercial message.

C. This Chapter shall apply to any person who erects, constructs, enlarges, moves, changes the copy of, modifies, or converts any signs, or causes the same to be done.

D. This Chapter will not be construed to allow any sign related activity that violates local, state, or federal law. If any provision of this Chapter conflicts with other standards of the CDC or the Largo City Code, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.3.2 Exemptions

The provisions of this Chapter do not apply to the following types of signage; however, such signage may be subject to permitting requirements as required pursuant to the Florida Building Code. If required, applicants shall be responsible for securing permits or permissions prior to erecting or modifying the following types of signage:

A. Any sign, posting, notice placed, installed or required by law by the City, Pinellas County, or a Federal or State governmental agency in carrying out its responsibility to protect the public health, safety, and welfare. Such signs may be erected in the right-of-way or on fences, and include, but are not limited to the following:

(1) Emergency and warning signs necessary for public safety or civil defense;

(2) Traffic and parking signs erected and maintained by an authorized public agency or approved by an authorized public agency;

(3) Traffic control message signs installed in accordance with applicable provisions of the Traffic Control Manual published by the Florida Department of Transportation (FDOT);

(4) Signs directing the public to points of interest (e.g., wayfinding signs only erected by the City); and,

(5) Signs showing the location of public facilities.

B. Numerals and lettering identifying the street address numbers that are necessary to assist emergency vehicle drivers and other motorists with identifying the location of properties within the City. All buildings and suites with multiple tenant buildings or complexes are required to display street address numbers that have been assigned in accordance with a method approved by the Authority Having Jurisdiction (AHJ). Assigned addresses shall not be changed unless approved by that AHJ. The display of approved street address numbers must be clearly visible from the right-of-way and shall be a minimum of four (4) inches high with a minimum stroke width of ½-inch in accordance with the Florida Fire Prevention Code (FFPC) adopted by the City of Largo and incorporated into the Largo City Code (Chapter 13, Article II, Section 13-19);

C. Signs wholly within a building or enclosed space, excluding window signs which are covered under Section 12.10.2;

D. Holiday and seasonal decorations, including rope lights, string lights, or mini-lights;

E. Integral signs, when cut into any masonry surface or when constructed of bronze or other noncombustible materials and fully and permanently incorporated into the surface of the building;

F. Signs that are permanently painted or wrapped on the surface of a vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the conduct of the business (see Figure 12-1). Such vehicles must be parked on-premises in a lawfully designated parking space or an area authorized for outdoor storage. The vehicle must be operable and bear a current license plate or have a current registration. Prohibited vehicle signs are outlined under Section 12.6.2;

G. Signs that constitute an integral part of a permitted vending machine located outside of a business. Such signs must be permanently installed by the manufacturer and incorporated into and designed as part of the vending machine;

H. Grave markers;

I. Flags of non-commercial content;

J. Public art shall not be considered as signage and is allowed on any property with permission from the property or building owner. Public art may contain graphics or text as long as the art has no commercial message. Any such commercial message shall be counted as a sign and subject to sign area allowances in accordance with Table 12-1;

K. Signs located in stadiums, arenas, and sports fields which are intended for viewing by only persons within the facility. Such signs shall be oriented towards the interior of the field and the viewing stands;

L. Signs, printed or attached to construction screening at sites by the property owner or authorized contractors that have been issued a permit may remain as long as the issued permit remains active and is not abandoned. Such signage must be professionally manufactured, durable, and securely attached to withstand all weather conditions; and

M. Under the First Amendment to the United States Constitution, every citizen in the country has the right to free speech and to peacefully gather in a group. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while legally protesting or demonstrating on public property that has been determined to be a traditional or designated public forum so long as the person holding the sign is peaceful, does not promote unlawful activities, does not stop others from using the public space (e.g., blocking ingress and egress from buildings or public property, creating a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails), or violate any other reasonable time, place, and manner restrictions adopted by the City, State, or Federal governments

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.4 Substitution

This Chapter is not intended to in any way prohibit the placement of non-commercial content on any legally permitted sign. Any sign, display or device allowed under this Chapter may contain, in lieu of any other copy, any non-commercial message that complies with all other requirements of this Chapter. The non-commercial message may occupy the entire sign area, or any portion of the sign area, and may substitute for or be combined with the commercial message. The sign's message may be changed from commercial to non-commercial, or from one non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this Chapter.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.5 Severability

If any one or more provisions of this Chapter 12 is held to be invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the validity, legality, and enforce-ability of the renaming provisions hereof shall not in any way be affected or impaired thereby and this Chapter 12 shall be treated as though the invalidated portions(s) had never been a part thereof.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.6 Prohibited Signs and General Signage Restrictions

12.6.1 Objective

To promote community aesthetics and lessen the visual clutter that may otherwise be caused by the proliferation of uncontrolled signage and signage that is detrimental to the safety and welfare of the community.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.6.2 Prohibited Signs

Unless specifically authorized in this Chapter or other chapters of the CDC, examples of prohibited signs include, but are not limited to the following:

A. Illegal signs including signs: constructed, erected, altered, repaired, replaced, or relocated without approval of a permit (if required); erected in non-compliance with the CDC as it existed at the time the sign was erected or altered; not specifically exempt or allowed; or that violate any provision in this Chapter;

B. Abandoned or damaged signs, as defined in Section 20.1.S, with exceptions noted under Section 12.7.2;

C. Pole signs are prohibited except the following: legal nonconforming pole signs regulated under Section 12.7; permitted on properties with frontage along US Highway 19 in accordance with Section 12.9.5; or exempt as outlined under Section 12.3.2 or Section 12.10.2;

D. Signs on vehicles and trailers when the vehicle or trailer is used as an advertising platform and such signs project from the vehicle or trailer or a vehicle or trailer is used as a sign or as the base for a sign (see Figure 12-1). Exempt vehicle signs are outlined under Section 12.3.2.F;

E. Billboards, except as allowed by Section 12.9.6;

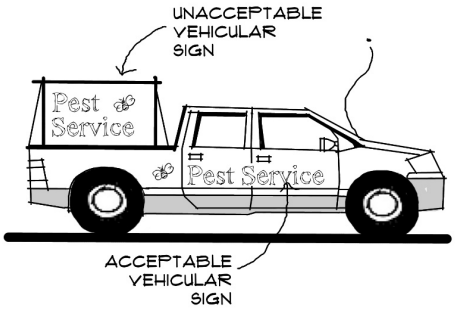
F. Flag signs (including feather flag signs), pennants, banners, searchlights, twirling signs, balloon or inflatable signs, except as allowed under sections 12.9.7 and 12.10.2;

G. Portable signs, including portable "A" frame signs or similar portable signs, except as exempt from permits under Section 12.10.2 or as allowed to be permitted under sections 12.9.7 and 12.13.3;

H. Bench signs; and,

I. Signs used as fencing.

Figure 12-1: Vehicle Advertising Example



(Ord. No. 2024-04 , § 2, 11-21-2023)

12.6.3 General Signage Restrictions

A. *Location Restrictions* - Unless specifically authorized in this Chapter or other chapters of the CDC, signs shall not be placed in the following locations:

(1) Signs shall not occupy a sight triangle or obstruct visibility for vehicles, pedestrians or bicyclists as further detailed in CDC Section 9.2.3;

(2) Signs shall not obstruct or otherwise interfere with official traffic signs, signals or devices;

(3) Except signs erected by duly authorized government agencies and/or public utility providers, signs shall not be erected on or allowed to project over public property, rights-of-way, or easements without permission of the controlling jurisdiction;

(4) Signs shall not be erected within a private easement without permission of the easement holder;

(5) Except signs erected by duly authorized government agencies and/or public utility providers, signs shall not be affixed to any trees, plants, fences, utility poles, telecommunication facility, fire hydrants, traffic lights, governmental signs, benches, or similar infrastructure;

(6) Signs and their supporting structures shall not interfere with surface and underground utility and communications lines or equipment;

(7) Signs or supporting structures shall not interfere with free passage from or obstruct any fire escape, emergency exit, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress from a building;

(8) Signs or supporting structures shall not obstruct any window to such an extent that the light or ventilation is reduced below that required by any provision of the CDC and/or other applicable laws, regulations and technical codes;

(9) Signs shall not impede vehicular or pedestrian traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;

(10) No freestanding sign shall obscure more than ten (10) percent of an existing conforming freestanding sign that is within one hundred (100) feet. An obstruction determination shall be measured from the same side of the right-of-way while standing on the property line at a distance of two hundred (200) feet from the obscured sign;

(11) No signs shall be erected on vacant and/or undeveloped property unless otherwise provided within this Chapter (e.g., limited duration signs under Section 12.10.2 or grand opening/promotional signs under Section 12.9.7). Abandoned signs must be removed in accordance with Section 12.7.2;

(12) No person shall erect or construct a new sign on a site that contains illegal signs;

(13) No wall, canopy, or projecting sign shall be higher than eighteen (18) inches above the highest point of the roof or building wall on which the sign is mounted; and,

(14) Signs which are placed above pedestrian walkways or parking areas shall have a minimum clearance of eight (8) feet from the bottom edge of the sign.

(15) Signs shall not be located adjacent to trees that will create a visual obstruction at the time of planting or in the future (see Figure 10-5). Chapter 10 — Landscape Standards allow clustering of trees to prevent obstruction of signs.

B. *Display restrictions* - Unless specifically authorized by this Chapter or other chapters of the CDC, signs with the following display features are prohibited:

(1) Highly reflective signs and components and elements of faces of signs that move, shimmer, or contain reflective devices that hamper the vision of motorists, pedestrians, or bicyclists;

(2) External or indirectly illuminated signs that are not shielded and create a hazardous glare for motorists, pedestrians, or bicyclists and/or adjacent properties and rights-of-way;

(3) Signs with internal illumination systems that emit or cause the reflection of glaring or flashing light onto adjacent properties and rights-of-way or that create a hazardous glare for motorists, pedestrians, or bicyclists;

(4) Sign illumination systems that interfere with the effectiveness of any official sign;

(5) Signs that may, by reason of size, shape, location, movement, coloring, or manner of illumination, be erroneously construed as traffic signals, traffic signs, or emergency vehicle lights;

(6) Digital message displays that contain animation, streaming video, or text or images that flash, pulsate, move, or scroll travel are prohibited. Each complete digital message must fit onto one screen and not change more than once every five (5) seconds, with no transition graphics (e.g., no fade-out or fade-in). Illuminated window signs that are no greater than two and one-half (2.5) square feet in area are exempt from this requirement;

(7) Signs wholly or partially illuminated by flashing or intermittent lights which may include rotary beacon lights, zip lights, strobe lights, or similar devices;

(8) Digital displays and other signs that interfere with, distract or confuses motorists, pedestrians, or bicyclists;

(9) Signs that emit audible sound, contain open flames or which emit any odor, noise or visible matter other than light;

(10) Signs equipped with moving, rotating or otherwise animated parts; and,

(11) Signs with obscene messages or content, as defined by federal court precedent.

C. *Material restrictions* - Unless specifically authorized by this Chapter or other chapters of the CDC, the following signs are prohibited based on the material used in their construction:

(1) Signs not able to withstand weather elements; and

(2) Signs constructed of cardboard or paper and not made of sturdy material such as metal, wood, hard plastic, vinyl, engineered wood, or particle board.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.6.4 Enforcement

A. *Objective* - To have all prohibited signs or signs violating general signage restrictions removed in an expeditious manner.

B. *Applicability* - Unless specifically authorized by this Chapter or other chapters of the CDC, these enforcement criteria only pertain to prohibited signs or signs violating general signage restrictions located on private or public property (including rights-of-way). Removal criteria applicable to nonconforming signs and abandoned and/or damaged signs are outlined under Section 12.7.

C. *Removal and compliance* - The City shall require all prohibited signs or signs found to be in violation of general signage restrictions to be removed or brought into compliance in accordance with the following procedures:

(1) Signs on public property, including rights-of-way, may be removed and disposed of by the City without prior notice.

(2) Signs on private property must be brought into compliance or removed within twenty-four (24) hours of written notice to the property owner and/or occupant of the property. Additional time shall be afforded (as determined by the Building Official) to bring such signs into conformance when a permit is required for such a sign to be removed or altered; and,

(3) Signs that are not brought into compliance within required time frames, or that represents an immediate threat or imminent danger to the public (as determined by the Building Official) may be removed by the City without the owner's consent and at the owner's expense. The sign's owner may secure the release of an impounded sign upon payment of the cost incurred in removing the sign, plus daily storage fees. Signs not reclaimed within thirty (30) days shall become property of the City and may be disposed of or used as deemed appropriate by the City. The City shall not be held liable for damage or disposal of such a sign.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.7 Nonconforming Signs and Abandoned and/or Damaged Signs

12.7.1 Nonconforming Signs

A. *Objective* - To have all previously permitted signs that no longer conform to the standards of this Chapter (i.e., nonconforming signs) removed in an expeditious manner.

B. *Applicability* - Any nonconforming sign, as defined in Section 20.1.S(11)r, shall be removed by the sign owner in accordance with removal requirements outlined under Section 12.7.1.C.

C. *Removal requirements* - When one or more of the following circumstances apply to a property containing a nonconforming sign, the sign shall be removed within thirty (30) days of written notice to the property owner and/or occupant of the property, and a permit may be required for such sign to be removed. Removal criteria for other types of prohibited signs or signs violating general signage restrictions are outlined under Section 12.6.4.

(1) A permit is required for work on any new or existing sign or its light source;

(2) A Development Order (DO) is required for development or (re)development of the property (i.e., a Level II Full Scale Review as described under Section 3.1.2); and

(3) If the property becomes vacant and the nonconforming sign is abandoned and/or damaged it must be removed in accordance with time frames outlined under Section 12.7.2.C(2).

D. *Exceptions* - Any nonconforming sign that is not abandoned or required to be removed because of circumstances described under Section 12.7.1.C, may be maintained in accordance with nonstructural maintenance or replaceable copy that does not require a permit (see Section 12.11.4).

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.7.2 Abandoned and/or Damaged Signs

A. *Objective* - To have all abandoned and/or damaged signs removed, repaired, or replaced in an expeditious manner.

B. *Applicability* - Any sign that is abandoned (defined in Section 20.1.S(11)a) and/or damaged (defined in Section 20.1.S(11)h) shall be removed, repaired, or replaced, by the sign owner in accordance with Section 12.7.2.C.

C. *Removals, repairs, and replacements* - The following requirements apply to a property containing an abandoned and/or damaged sign and a permit may be required for such sign to be removed, repaired, or replaced. Removal criteria for other types of prohibited signs or signs violating general signage restrictions are outlined under Section 12.6.4.

(1) Conforming signs

a. Any conforming sign that is abandoned shall be removed by the sign owner within ninety (90) days after receiving written notification from the City of Largo; or, after one hundred eighty (180) days if the face of the abandoned conforming sign is replaced with a blank or a temporary covering (e.g., a sign banner or sign bag) that is weather resistant and maintained in good condition.

b. Any conforming sign that is damaged shall be repaired, replaced, or removed by the sign owner within ninety (90) days after receiving written notification from the City of Largo.

(2) Nonconforming signs

a. Any nonconforming sign that is abandoned shall be removed by the sign owner within thirty (30) days after receiving written notification from the City of Largo.

b. Any nonconforming sign that is damaged and that requires a permit to be repaired, shall be removed by the sign owner within thirty (30) days after receiving written notification from the City of Largo.

D. *Exceptions* - Any nonconforming sign that is not abandoned or not required to be removed because of circumstances described under Section 12.7.1.C, may be maintained in accordance with simple, nonstructural maintenance, or replaceable copy that does not require a permit (see Section 12.11.4).

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.8 General Standards for Permitted Signs

12.8.1 Objective

To systematically regulate permitted signs in a manner consistent with the purpose and intent of this Chapter and to provide general standards for permitted signs pertaining to location, construction, maintenance, aesthetic, display, measurement, street address number identification, and removal.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.8.2 Applicability

These general standards apply to all sign types that require a permit (see Section 12.9) to be constructed on residential and nonresidential properties throughout the City. These standards do not apply to signs exempt from this Chapter described under Section 12.3.2 or exempt from permitting requirements described under Section 12.10.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.8.3 General Standards

A. *Permits* - No person shall erect, alter, repair, replace, or relocate any sign requiring a permit without issuance of a permit as described under Section 12.11.

B. *General signage restrictions* - All sign types requiring a permit shall adhere to general signage restrictions included under Section 12.6.3.

C. *Construction standards* - All signs requiring a permit shall be constructed and erected in compliance with the standards set forth in this Chapter and in accordance with the provisions and requirements of the building and technical codes adopted by reference under CDC Section 18.1.1. Construction standards related to signs include, but not limited to, the following:

   (1) All signs may be double faced;

   (2) All signs shall be constructed of durable and sturdy materials such as metal, wood, hard plastic, vinyl, engineered wood, or particle board of sufficient thickness to withstand the weather elements;

   (3) All signs shall be fastened using noncorrosive fittings and shall be structurally safe and erected or installed in strict accordance with the Florida Building Code; and

   (4) All signs shall be adequately designed, constructed, and installed to preserve public safety.

D. *Maintenance standards* - As specified under CDC Section 18.2 - Property Maintenance Codes, all components of permitted signs (e.g., electrical systems, fasteners, the sign, and sign structure as a whole) shall be always maintained in a safe condition and in neat appearance including but not limited to the following:

   (1) Signs and support structures shall be structurally sound, kept in a vertical, upright position and securely attached to the applicable supporting foundation;

   (2) If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner;

   (3) Internal electrical, mechanical or structural components shall not be exposed;

   (4) Exposed surfaces shall be clean and free of rust, dents and holes;

   (5) Damaged faces or structural members shall be promptly repaired and permits obtained as required.

(6) All signs and display surfaces shall be neat in appearance, and neatly painted or posted, and not ripped, tattered or faded;

(7) If the sign is painted, the painted surface shall be kept in good condition and shall not be peeling or flaked;

(8) Every sign shall be kept in such manner as to constitute a complete or whole sign and all sign information shall be clearly legible and complete;

(9) No trash shall be allowed to accumulate in the area around a freestanding sign and all weeds shall be kept out; and,

(10) Types of sign maintenance exempt from permitting requirements are listed in Section 12.11.4.

E. *Aesthetic Standards* -

(1) Signs shall include a color scheme and design that complements the building and architecture. For example, the base of a freestanding monument sign may be made of the same materials as the building and may echo the style of the building facade.

(2) Freestanding pole signs permitted along the US Highway 19 roadway, in accordance with Section 12.9.5, shall have a minimum 200 square foot landscaped area located at the base of the sign, excluding the area occupied by the base of the sign, designed in accordance with the landscaping design standards of Chapter 10.

F. *Display Standards* -

(1) Changeable copy - Property owners may integrate manual or electronic message centers (EMCs), poster panels or cabinets, and similar displays into the design of conforming freestanding and wall signs on the property.

a. Changeable copy on freestanding and wall signs shall be at least four (4) inches in height with six (6) inches or larger is preferable.

b. Digital message displays that contain animation, streaming video, or text or images that flash, pulsate, move, or scroll travel are prohibited. Each complete digital message must fit onto one screen and not change more than once every five (5) seconds, with no transition graphics (e.g., no fade-out or fade-in). Illuminated window signs that are no greater than two and one-half (2.5) square feet in area are exempt from this requirement.

(2) Sign illumination - Sign illumination shall be designed to minimize light and glare on surrounding rights-of-way and properties and to not create a hazardous glare for motorists, pedestrians, or bicyclists in accordance with the following standards:

a. Display restrictions related to illumination are outlined under Section 12.6.3.B.

b. LED neon lighting is encouraged for energy conservation and to allow for creatively designed and attractive signs.

c. Sign illumination shall be designed to be shielded and limited to the extent possible to reduce light pollution (i.e., artificial light that shines outward and upward into the sky, where it's not wanted, instead of focusing downward or where it is needed).

d. No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot candles (2,153 Nits) as measured within six (6) inches of the sign face; however, the United States Sign Council Foundation (USSCF) Best Practice Recommendations & Standards for On-Premise Sign Lighting shall be used as a guide for illuminated signs. For illuminated signs, the maximum sign brightness at night shall not exceed seven hundred (700) Nits or sixty-five (65) Foot-candles.

All illuminated signs must comply with maximum luminance level throughout the night; after sunrise, the sign may resume luminance levels appropriate for daylight conditions.

G. *Measurement standards* - In addition to general measurement criteria outlined under this Section, more specific area and height calculations for permitted sign types are included under Section 12.9.

(1) Determining maximum aggregate sign area - The maximum aggregate sign area allowance for properties is used to determine the number, area, and height of freestanding monument and wall signage. The total sign area of all freestanding signs and wall-mounted signs may not exceed a property's maximum aggregate sign area allowance. A property's maximum aggregate sign area is based on whether it is used for residential or nonresidential purposes and the following measurement standards apply:

a. Nonresidential - The maximum aggregate sign area is determined by its location along one or more than one roadway, the linear feet of building frontage abutting roadways of certain classifications (e.g., principal arterials/highways or other), and whether the property has multiple buildings or tenants or both (see Table 12-1). For all nonresidential properties, the maximum aggregate sign area is calculated as follows: 2.5 square feet per one (1) linear foot of building frontage along principal arterial or highways, 2 square feet per one (1) linear foot of building frontage along all other streets, up to the maximum allowable dimensions. Additional freestanding monument directory signs are allowed subject to standards outlined under Section 12.10.2.E.

b. Residential subdivisions, multi-family developments, mobile home parks - The maximum aggregate sign area is based on the number of subdivision entrances. For all residential type developments, the maximum aggregate sign area is calculated as follows: (2) single-faced signs per entrance, one on each side of the entrance if the subdivision/development is located on both sides of the entry, or one (1) double-faced sign per entrance. A maximum of three (3) entrances are allowed to have signage. The maximum allowable sign face area for each sign is fifty (50) square feet with a maximum height of eight (8) feet. Residential subdivision signs shall not be internally illuminated.

c. Community Redevelopment District (CRD) properties - The maximum aggregate sign area is based on the linear feet of lot frontage, rather than building frontage, abutting roadways of certain classifications (see Section 12.13, Table 12-2).

d. Information submitted as part of the Master Sign Plan is used to determine a property's maximum aggregate sign area allowance and is used as the basis for the allocation of sign area to individual signs (see Section 12.12). Alternate master sign plans are available for properties that consist of multi-building/tenant campuses of regional size and significance, particularly located along high traffic corridors and in activity centers. Properties that qualify are provided additional for sign size, height, placement, and design standards for both project and tenant visibility (see Section 12.12.1).

Table 12-1: Maximum Aggregate Signage Area Allowances — Outside CRDs

Building Frontage	Column A Aggregate area multiplier for all signage (building frontage)	Monument Signs		Projecting/Wall/Canopy Signs		Total Signage
		Column B Max sign face area (sq. ft.)	Max sign height (ft.)	Column C Max sign face area (sq. ft.)	Column D Calculation (not to exceed Column C)	Maximum aggregate all signage
Non-Residential Uses						
Along One Roadway						

0—49 ft.	2.5 sq. ft. per linear foot (principal arterials/highways) 2 sq. ft. per linear foot (all other roads)	48 sq. ft.	8 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
50 ft. + along principal arterials/highways	2.5 sq. ft. per linear ft.	120 sq. ft.	8 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
50 ft. + along all other road types	2 sq. ft. per linear ft.	120 sq. ft.	8 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
500 ft. + along principal arterials/highways	2.5 sq. ft. per linear ft.	2 signs at 80 sq. ft. each (300 ft. min. separation) or 1 sign at 160 sq. ft.	8 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
500 ft. + along all other road types	2 sq. ft. per linear ft.	2 signs at 80 sq. ft. each (min. 300 ft. separation) or 1 sign at 160 sq. ft.	8 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
Along More Than One Roadway						
0—499 ft.	2.5 sq. ft. per linear ft. (principal arterials/highways) 2 sq. ft. per linear ft. (all other roads)	1 sign per frontage with max of 80 sq. ft. per sign or 1 sign at 160 sq. ft. along road with highest classification	8 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
500 ft. + including at least one principal arterial or highway	2.5 sq. ft. per linear ft. (principal arterials/highways) 2 sq. ft. per linear ft. (all other roads)	1 sign per frontage with max of 80 sq. ft. per sign or 1 sign at 160 sq. ft.	8 ft. max 1 sign on principal arterial may be 12 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
500 ft. + including at least one principal arterial or highway and Multi-Building or Multi-Tenant	2.5 sq. ft. per linear ft. (principal arterials/highways) 2 sq. ft. per linear ft. (all other roads)	1 sign per frontage with a max of 80 sq. ft. per sign or 1 sign at 160 sq. ft.	8 ft. max 1 sign on principal arterials may be 12 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D

1,000 ft. + including at least one principal arterial or highway and Multi-Building and Multi-Tenant	2.5 sq. ft. per linear ft. (principal arterials/highways) 2 sq. ft. per linear ft. (all other roads)	1 sign per frontage with a max of 160 sq. ft. per sign. Total area of all signs may not exceed 320 sq. ft.	8 ft. max 1 sign on principal arterials may be 12 ft.	Nonresidential: 150 sq. ft.	Column A minus Column B	Column A equal to or less than Column B plus Column D
Residential Uses						
All residential subdivisions, multi-family developments, mobile home parks	N/A	3 entrances max; 2 single-faced signs 50 sq. ft. total per subdivision entrance; or 1 double-faced sign 50 sq. ft. per subdivision entrance	8 ft.	Residential: 50 sq. ft. (not allowed on individual single-family, duplex, and triplex lots)	N/A	Column B

(2) Determining sign area -

a. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols.

b. For a wall sign which is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

c. For freestanding monument signs, the area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, if it does not contain any lettering, wording, or symbols.

d. The following measurement standards apply to freestanding monument signs with more than one display face:

(i) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two faces are not more than eighteen (18) inches apart (see Figure 12-2).

(ii) Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two faces are not more than eighteen (18) inches apart, the larger sign face shall be used as the basis for calculating sign area.

(iii) When the interior angle formed by the faces is forty-five (45) degrees or greater, or the faces are greater than eighteen (18) inches apart, all sides of such sign shall be considered in calculating the sign area (see Figure 12-3).

(iv) The sign area for signs with three (3) or four (4) display faces is fifty (50) percent of the sum of the areas of all sign faces (See Figure 12-4).

e. Signs with individual mounted letters or symbols (raised elements):

(i) When a sign is composed of individual mounted letters or symbols, the sign surface area shall be determined by means of the total or the smallest contiguous square, rectangle, circle, triangle, or combination thereof that will encompass each letter, representation, logo, emblem, or other display (see Figure 12-5).

(ii) Any visible structural, mechanical, or fastening component shall be included within the computation of surface area for signs with individual mounted letters or symbols.

f. Sign with individual cabinet or panels (flush elements):

(i) Compute by means of the smallest geometric shape, or combination thereof that will encompass the extreme limit of the copy, representation, logo, emblem, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is attached or affixed.

(ii) Any support framework, bracing, or decorative fence or wall shall not be included within the computation of surface area for signs with individual cabinet or panels if it is clearly incidental to the display itself and otherwise meets the pertinent land use regulations.

g. For signs with flexible parts (e.g., flags and banners), the entirety of signs with flex parts shall be used to compute sign face. Such measurement is taken when the elements are fully extended and parallel to the plane of view.

Figure 12-2: Measuring Sign Face, Less Than or Equal to 45 Degrees

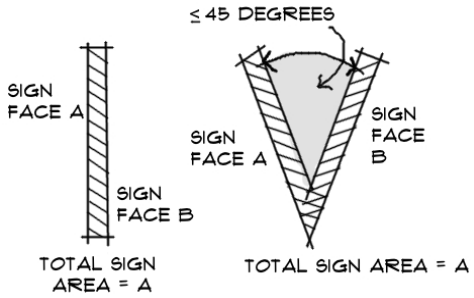


Figure 12-3: Measuring Sign Face, 45 Degrees or Greater

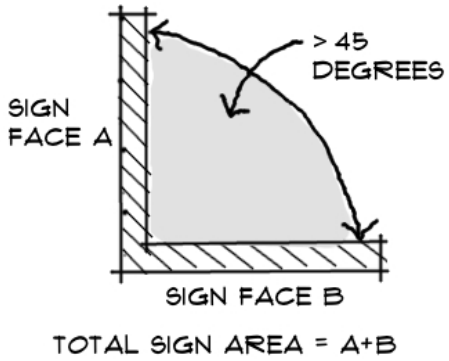


Figure 12-4: Measuring Sign Face, 3 or 4 Display Faces

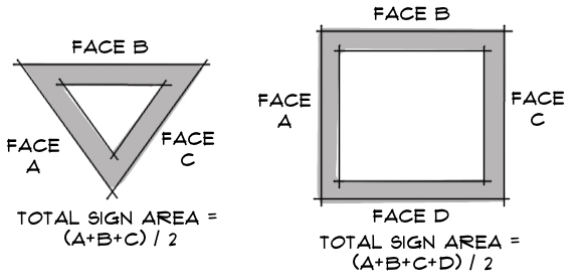
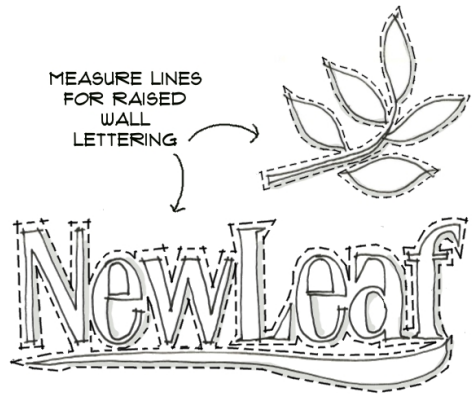


Figure 12-5: Measuring Sign Lettering for Aggregate Area



(3) Determining sign height -

a. Sign height for freestanding monument signs shall be measured from the ground at the base of the sign or crown of the adjacent road, whichever is highest in elevation, to the topmost portion of the sign (see Figures 12-6 and 12-7). No brimming under signs, for the purpose of elevating the sign, is allowed.

b. Clearance for projecting signs shall be measured from the base of the sign or canopy to the ground below. A minimum of eight (8) feet of clearance is required over pedestrian areas. A minimum of fourteen (14) feet is required over vehicular use areas (Figure 12-8).

c. The top of a wall, canopy, or projecting sign shall be no higher than eighteen (18) inches above the highest point of the roof or building wall, whichever is highest.

Figure 12-6: High Road Crown

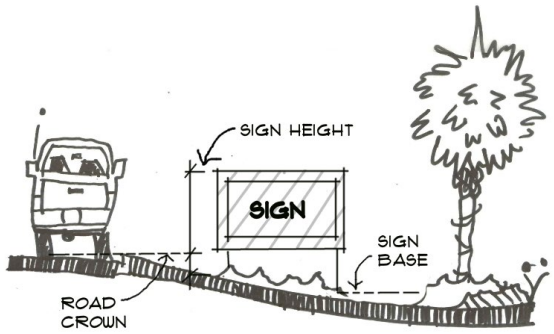


Figure 12-7: Low Road Crown

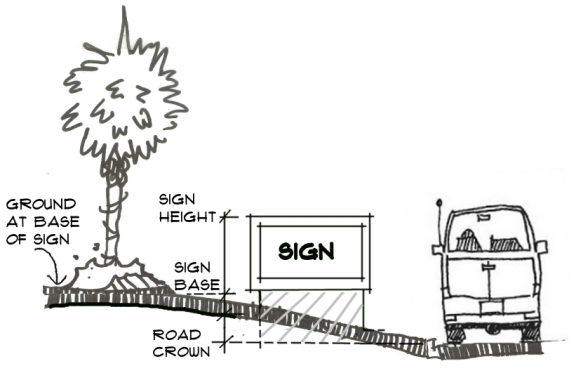
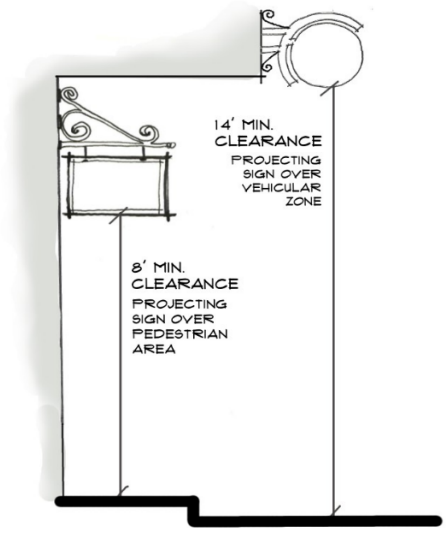


Figure 12-8: Projecting Sign Minimum Clearance



(4) Determining sign spacing - The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign. For nonresidential properties afforded more than one (1) freestanding monument sign, each sign must have at least three-hundred (300) feet of separation. All sign types requiring a permit shall adhere to locational restrictions included under Section 12.6.3.A and no freestanding sign may obscure other existing conforming freestanding signs in accordance with Section 12.6.3.A(10).

(5) Determining length of building frontage - For all properties outside the CRDs, the length of building frontage abutting roadways with specific classifications is one component used to determine the maximum number of signs as well as the total sign area and height allowed. The length of building frontage is determined as follows:

a. The length of building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to a public street. This includes both primary and secondary building frontages but excludes any such wall length determined by the Development Control Officer as clearly unrelated to the frontage criteria.

b. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

c. The building frontage for a building unit is equivalent to the tenant space on the first floor and shall be measured from the centerline of the party walls defining the building unit. The frontage of a building unit is used to determine the permissible area for that unit's wall-mounted sign. Individual tenant spaces are not allowed to have separate freestanding monument signs.

H. *Street address identification standards* - Numerals and lettering identifying the street address numbers are necessary to assist emergency vehicle drivers and other motorists with identifying the location of property within the City. All buildings and suites within multiple tenant buildings or complexes are required to display street address numbers that have been assigned in accordance with a method approved by the Authority Having Jurisdiction (AHJ). Assigned addresses shall not be changed unless approved by that AHJ. The display of approved street address numbers must be clearly visible from the right-of-way and shall be a minimum of four (4) inches high with a minimum stroke width of ½-inch in accordance with the Florida Fire Prevention

Code (FFPC) adopted by the City of Largo and incorporated into the Code of Ordinances (Chapter 13, Article II, Section 13-19). Street address numbers must also be displayed on all freestanding signs.

(1) On single tenant buildings - All new and existing buildings in the City are required to have approved street address numbers placed in a position to be plainly legible and visible from the street or road fronting the property (see Figure 12-9). The following conditions shall apply:

a. Address numbers on buildings shall be a minimum of four (4) inches high with a minimum stroke width of one-half (½) inch;

b. Address numbers shall contrast with their background; and

c. Address numbers shall be Arabic numerals or alphabet letters.

(2) On multiple tenant buildings or complexes - Each occupant of a multiple tenant building or complex in the City are required to have approved street address numbers placed in a position to be plainly legible and visible from the street or road fronting the property (see Figure 12-9). The following conditions shall apply:

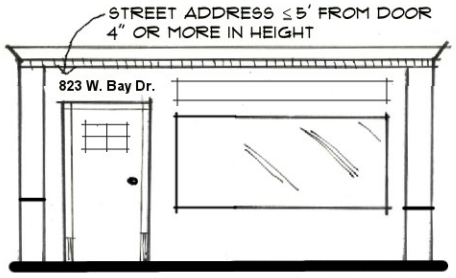
a. Address numbers shall be displayed on both the primary front and rear entrance either on or within five (5) feet of the door;

b. Address numbers on multiple tenant suites shall be a minimum of four (4) inches high with a minimum stroke width of one-half (½) inch;

c. Address numbers shall contrast with their background; and

d. Address numbers shall be Arabic numerals or alphabet letters.

Figure 12-9: Placement of Business Address



(3) On freestanding signs - All freestanding, monument signs in the City are required to have approved street address numbers (or the address range assigned to occupants of the property) placed in a position to be plainly legible and visible from the street or road fronting the property (see Figure 12-10). The following conditions shall apply:

a. Address numerals/letters shall be a minimum of six (6) inches high;

b. Address numbers shall contrast with their background and be legible to vehicular traffic on the adjacent right-of-way.

c. Decorative accouterments containing only property addresses are exempt from calculation as sign face area, provided that the accouterments do not increase the sign's area by more than twenty (20) percent.

d. Addresses incorporated into the sign face shall be calculated as part of the sign area.

Figure 12-10: Address on Free Standing Monument Sign



(4) Optional -

a. Canopies or awnings - Approved street address number integrated into the fringe or leading edge of a canopy or awning shall be exempt from calculation as sign face area. Address numerals/letters shall be a minimum of six (6) inches high.

b. Suspended under canopies - Approved street address numbers and/or occupant identification signs suspended from canopies covering pedestrian walkways shall be exempt from permit requirements and from calculation as sign face area provided that such sign meets all other requirements under Section 12.10.2.E(7).

c. Street names - Display of the street name associated with address numbers is not required and optional.

I. *Enforcement and removal standards* - A permit may be required to remove a permitted sign and property owners should consult either a licensed contractor, structural engineer, or the Building Official before removing. Any sign found to be in a state of disrepair shall be declared a nuisance and must be brought into compliance or removed. Abandoned and/or damaged signs shall comply with the requirements of Section 12.7.2.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.9 Permitted Sign Types

12.9.1 Objective

To systematically regulate and permit signs by type in a manner consistent with the purposes set forth in this Section.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.9.2 Applicability

This Section pertains to sign types on residential and nonresidential properties that require a permit to be constructed. These standards do not apply to signs exempt from this Chapter described under Section 12.3.2 or exempt from permitting requirements described under Section 12.10. Supplemental standards and requirements for permitted sign types in CRDs are outlined under Section 12.13.

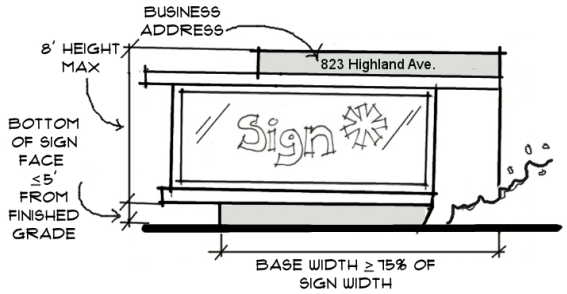
(Ord. No. 2024-04 , § 2, 11-21-2023)

12.9.3 Freestanding Monument Signs

All freestanding signs shall be monument style and freestanding pole signs are prohibited except for the following: legal nonconforming pole signs regulated under Section 12.7; permitted on properties with frontage along US Highway 19 in accordance with Section 12.9.5; or exempt as outlined under Section 12.3.2 or Section 12.10.2. Measurement criteria used to determine the sign face of a freestanding monument sign and how to calculate the maximum aggregate sign area allowance are outlined under Section 12.8.3.G.

A freestanding monument sign is a sign with a base that is no less than seventy-five (75) percent of the proposed sign width. The distance between the bottom of the sign face and finished grade shall not be more than five (5) feet (see Figure 12-11).

Figure 12-11: Freestanding Monument Sign Dimensions



A. *Location, number, and area* - Freestanding monument sign are not allowed on single-family, duplex, and/or triplex properties. All other properties are afforded at least one (1) freestanding monument sign and the maximum sign face area is between forty-eight (48) and one hundred sixty (160) square feet depending on the property's aggregate sign area allowance (see Table 12-1). Individual tenants (building units) in multiple tenant building complexes spaces are not allowed to have separate freestanding monument signs.

B. *Height* - Maximum height of freestanding monument signs is between eight (8) feet and twelve (12) feet depending on the property's aggregate sign area allowance (see Table 12-1). Larger properties with frontage along a principal arterial/highway are afforded freestanding monument signs up to twelve (12) feet in height if they consist of a multi-building or multi-tenant property with five hundred (500) feet or more of building (see Table 12-1).

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.9.4 Wall-mounted signs (canopy, lettering and/or projecting)

A. *Location, number, and area* - Wall-mounted signs are not allowed on single-family homes, duplexes, and/or triplexes. Wall-mounted signs are allowed in common areas of residential subdivisions. There is no maximum number of wall-mounted signs allowed on properties with other land uses and such signs may be distributed on any of the building or perimeter subdivision walls however, fences shall not be considered walls for the purposes of this Section. The subdivision sign may incorporate, or be incorporated into, accessory entrance structural features such as a project wall or landscaping, but may not be incorporated into a fence. Total area allowances for wall-mounted signs shall be limited to the following maximum square footage:

- Residential subdivisions (e.g., townhomes and condominiums), multi-family, and mobile home parks: Maximum fifty (50) square feet
- Nonresidential: Maximum one hundred fifty (150) square feet

Measurement criteria used to determine the sign face of a wall-mounted sign and how to calculate the maximum aggregate sign area allowance are outlined under Section 12.8.3.G.

B. *Free-standing buildings* - In addition to the maximum sign area identified under Section 12.9.4.A, wall-mounted signs on free-standing buildings shall not exceed that property's maximum aggregate sign area allowance.

C. *Multiple occupancy properties* - Wall-mounted signs permitted for individual tenant spaces (building units) in multiple tenant building complexes shall not exceed maximum square footages identified under Section 12.9.2.A; however, the tenant's wall-mounted sign shall not be subject to the property's aggregate sign area allowance. Each tenant space shall be allowed one (1) wall-mounted sign and the sign face shall be based on each occupant's portion of the building frontage oriented toward the means of customer access (regardless of the building's orientation toward the street). For these purposes, tenant space building frontage shall be measured as the distance from fire-wall separation to fire-wall separation or exterior wall. Occupants which are interior to the building or another occupant's space shall not be allocated separate wall-mounted signage.

D. *High-rise buildings* - For buildings over three (3) stories in height, additional wall sign area shall be permitted above the third floor of the building. The additional allowable sign area shall be three (3) square feet per each vertical foot of building height (excluding antennas and other attachments) up to a maximum of three hundred (300) square feet. The additional sign area allowed for buildings over three (3) stories cannot be transferred to projecting signs, monument signs, or signs located below the third story.

(Ord. No. 2024-04 , § 2, 11-21-2023)

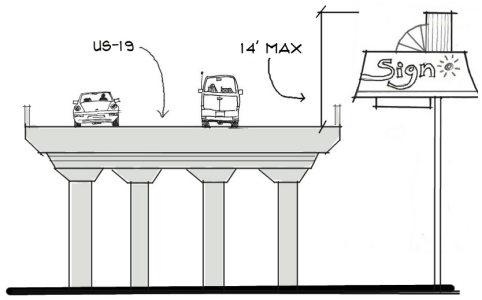
12.9.5 US Highway 19 Signs

A. *Location, number, and area* - Parcels which are immediately adjacent to US Highway 19, with direct access to the roadway via a service or frontage road, are permitted one (1) freestanding monument sign or pole sign located adjacent to US Highway 19. The sign face area allowable on all applicable parcels immediately adjacent to US Highway 19 shall be determined based on roadway classification, the total amount of building frontage and land use designation applicable to the subject parcel where the sign is to be located and in accordance with Table 12-1. Freestanding signs constructed pursuant to this Section may be increased by up to an additional twenty-five (25) percent. Any increase in sign face square footage granted pursuant to the Section is not transferable to any other sign located on the subject parcel or any other parcel.

B. *Height* - The height of freestanding monument or pole signs located adjacent to US Highway 19 may extend up to a maximum of fourteen (14) feet in height above the crown of the road. The crown of the road is measured as the highest point of the driving surface of the road, excluding any sidewalls, "jersey barriers," etc. as depicted in Figure 12-12.

C. *Landscape at pole sign base* - Freestanding signs permitted along the US Highway 19 roadway shall have a minimum two hundred (200) square foot landscaped area located at the base of the sign, excluding the area occupied by the base of the sign, designed in accordance with the landscaping design standards of Section 10.5.2.D(13).

Figure 12-12: US-19 Signage



(Ord. No. 2024-04 , § 2, 11-21-2023)

12.9.6 Off-Site Signs and Billboards

A. *Existing billboards* - Regulated pursuant to the Development Outdoor Advertising/Billboard Agreements with various sign companies as adopted by City Commission. Annexed properties with billboards are governed through either annexation agreements or through agreements between the sign company and the City.

B. *Proposed billboards or off-site signs* - No off-site commercial signs shall be permitted except signage erected by the City of Largo for governmental speech such as promoting City sponsored events or municipal branding/themes, and grand opening/promotional signs as outlined under Section 12.9.7.F(2). No new billboards shall be allowed except as permitted by a written agreement between the City and the company proposing to construct the new billboard.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.9.7 Grand Opening/Promotional Signs

A. *Applicability* - These signs are not intended for permanent installation and are designed for short periods of display on property where new businesses, grand openings and special business events or promotions are scheduled. Grand opening/promotional signs include banner signs, feather signs, as well non-conventional forms of advertisement which encompasses persons dressed as characters or products or persons holding signs/waving and/or inflatables, as well as portable messaging signs. Grand opening/promotional sign standards and permit requirements do not apply to City-sponsored events but do apply to events on City property that are not City-sponsored. Grand opening/promotional signs may not include prohibited signs and may not violate general signage restrictions outlined under Section 12.6.

B. *Time limits* - Grand opening/promotional signs may be displayed in continuous increments, per permit, up to the maximum time allowed per year for temporary event types included under Table 16-1. New businesses or developments having an on-site promotional event associated with a grand opening may have a one time, thirty (30) day continuous display of grand opening/promotional signs per quantity guidelines under Section 12.9.7.C; this one-time display allowance does not count towards the maximum time allowed per year for temporary event types included under Table 16-1.

C. *Quantity* - A maximum of one (1) banner or freestanding grand opening/promotional sign and/or one (1) inflatable or one (1) non-conventional grand opening/promotional sign may be displayed per permit up to the maximum dimensions included under Section 12.9.7.G. and maximum time allowed per year for

temporary event types included under Table 16-1. There are no restrictions on the number of grand opening/promotional signs allowed per permit when a Temporary Event Permit is applied for and issued in conjunction with a Grand Opening/Promotional Sign Permit; however, sign time limits apply.

D. *Use types* - Shall be allowed on all properties except for single-family, duplex, and triplex residential properties.

E. *Permit and fee* - The cost of a Grand Opening/Promotional Sign Permit is waived for a new business or development having a grand opening promotional event provided that the business or development has a valid Business Tax Receipt (BTR) or certificate of occupancy (CO), if applicable. All other applicants shall submit a fee in accordance with then current fee schedule. All Grand Opening/Promotional Sign Permit applications are required to submit the following:

(1) A Grand Opening/Promotional Sign Permit application with a letter of authorization from the property owner(s) or authorized agent;

(2) A current, legal survey, or dimensioned sketch, showing the location of the grand opening/promotional sign(s) in relations to property lines, rights-of-way, easements, and improvements (buildings, driveways, etc.) within, and adjacent to, the property; and

(3) A Temporary Event Permit is required to be issued for all inflatables and non-conventional grand opening/promotional signs, and if an applicant requests an unlimited number of grand opening/promotional signs per Section 12.9.7.C.

F. *Placement* -

(1) All grand opening/promotional signs must be located on the property where the event is being held and set back at least three (3) feet from the public right-of-way and shall not conflict with visibility triangles and other General Signage Restrictions under Section 12.6.

(2) Temporary off-site grand opening/promotional signs may be erected only upon compliance with the following:

a. Grand opening/promotional signs associated with a permitted temporary event may be located off-site within one (1) mile of the property where the event is permitted to be held.

b. A letter of authorization from the property owner(s) or authorized agent consenting to the placement of the off-site grand opening/promotional signs.

c. There shall be no more than two (2) off-site grand opening/promotional signs on any one (1) property.

d. The size, height, and placement of the sign shall comply with the requirements set forth in Section 12.9.7.G.

e. No grand opening/promotional sign shall be erected on or within any right-of-way.

G. *Maximum dimensions* -

(1) Affixed to building - Banner signs are not to exceed thirty-two (32) square feet each. Signs must be securely affixed to a building.

(2) Freestanding signs - Freestanding signs (including feather signs) are not to exceed thirty-two (32) square feet total and twelve (12) feet in height. The maximum overall dimension of a portable A-frame sign shall be twenty-six (26) by forty-two (42) inches (see Figure 12-13).

(3) Inflatables - One (1) inflatable, twenty-five (25) feet in height. Must be ground mounted. Copy on an inflatable shall be in lieu of, and subject to the standards for, allowable grand opening/promotional sign area, which is limited to thirty-two (32) square feet total.

(4) Non-conventional forms of advertisement - One (1) person dressed as a character or product. The person may also hold or wave a sign and/or inflatable.

H. *Other conditions* -

(1) Grand opening/promotional signs shall be constructed of sturdy material such as wood, hard plastic, vinyl, engineered wood, or particle board of sufficient thickness to withstand the weather elements. Cardboard and paper faced temporary signs are strictly prohibited unless safely fastened, in entirety, to a backing made of sturdy material.

(2) No grand opening/promotional sign shall be erected which, by reason of its size, location or construction constitutes a hazard to the public.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.9.8 Drive-through signs

Drive-through or carryout services may have a sign which carries only the name of the establishment and the current list and price of goods or services available in the establishment. Drive-through signs shall not count towards the allowable aggregate signage area.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.10 Signs Exempt from Permits and Requirements Citywide

12.10.1 Applicability

The following activities and sign types are exempt from the permitting process but are not exempt from the requirements imposed by this Section or from all applicable requirements and restrictions included in this Chapter. Signs that comply with the requirements in this Section shall not be included in the determination of the type, number, or area of signs allowed to be permitted on a property. Unless stated otherwise, the requirements listed for each sign included in this Section shall apply to both commercial and non-commercial signs.

12.10.2 Signs Exempt from Permits

Applicants shall be responsible for securing any other required permits, if applicable, and meet all other standards of the CDC as well as other local, state, and federal regulations prior to performing the following activities or erecting or modifying the following signs:

A. Forms of signage listed as exempt from this Chapter under Section 12.3.2.

B. Types of maintenance and replaceable copy exempt from permitting listed under Section 12.11.4.

C. *Window signs and coverings* - Permanent and temporary window signs or coverings displaying commercial and non-commercial content shall be permitted on nonresidential land uses only. Groups of multiple windows or doors within six (6) inches of one another on the same building façade shall be considered as one (1) window or door for the purpose of sign face area calculation.

(1) Occupied buildings -

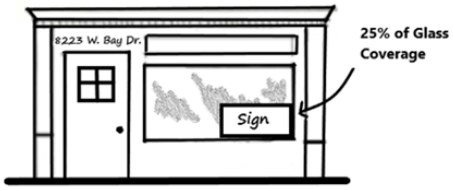
a. An occupied nonresidential building, or individual tenant space in such a building, may have one (1) sign, thirty-two (32) square feet in size, and eight (8) feet high displayed in any window. In lieu of one (1) large sign, several smaller signs may be displayed in any window

as long as no more than twenty-five (25) percent of the window area is covered or the total area of all signs in the window do not exceed one hundred (100) square feet, whichever is less (see Figure 12-13).

b. Window signs that meet the definition of governmental signs are allowed and have no size limitations.

c. An electrical permit may be required, if applicable.

Figure 12-13: Allowable Coverage by Window Signs



(2) Vacant or unoccupied buildings -

a. If a nonresidential building, or individual tenant space in such a building, is unoccupied and vacant for more than thirty (30) days or is undergoing construction/renovation with an active building permit, one hundred (100) percent of any window may have window coverings including but not limited to brown kraft paper or decorative, non-commercial window coverings.

b. This applies to all first or ground floor windows facing the street, public right-of-way, or any public sidewalk to prevent a clear view into the interior of the building.

c. Windows may not be covered with plastic garbage bags, plywood, cardboard, or soaping of windows.

D. *Flags* - Flags containing commercial advertisement (e.g., company names, tradenames, trademarks, business logos, and/or symbols) may be allowed as freestanding, wall-mounted, or projecting signs, and, if so used, the area of the flag shall be included in and limited by the aggregate allowable area for signs on the property and shall require a permit in accordance with Section 12.9. The following standards apply to the flagpoles for all flags (commercial or noncommercial).

(1) Location -

a. Flags and flagpoles shall not be located within any right-of-way and may be placed on residential and nonresidential parcels.

b. Flagpoles on nonresidential parcels must be setback at least fifteen (15) feet from property lines or a minimum distance equal to or greater than the height of the flagpole or mounting device, whichever is greater. Flag poles along US Highway 19 which exceed thirty-five (35) feet in height must be setback from adjacent residential properties a minimum distance equal to or greater than the height of the flagpole.

c. Flagpoles may be erected vertically or, alternatively, may be attached to a building horizontally or at an angle.

(2) Maximum height and dimensions -

a. Size - The horizontal length of the flag should be approximately ¼ to ⅓ the height of the flagpole.

b. Flagpoles over twenty (20) feet in height shall comply with all applicable building and engineering construction requirements and must be approved through the building permit review process prior to installation.

c. Flagpoles may not exceed thirty-five (35) feet in height on all residential and nonresidential properties that are not immediately adjacent to U.S. Highway 19.

d. Nonresidential properties immediately adjacent to U.S. Highway 19, with direct access to the roadway via a service or frontage road, are permitted up to a maximum flagpole height of seventy-five (75) feet above the crown of the road. The crown of the road is measured as the highest point of the driving surface of the road, excluding any sidewalls, "jersey barriers," etc.

e. Flagpole heights shall meet the current standards and regulations of the Federal Aviation Authority (FAA).

E. *Historical site markers* - Historical markers erected at historical or memorial sites in accordance with section 267.074, Florida Statutes, including plaque signs are allowed on residential and nonresidential properties. Such signs shall meet Florida Historical Markers and State Historical Marker Program requirements outlined in section 267.074, Florida Statutes.

F. *Signs during construction on public right-of-way* - The DCO, or his/her designee, shall decide, based on sixty (60) percent plans, when temporary signage is required to overcome decreased visibility resulting from public right-of-way construction projects lasting one (1) month or longer in duration.

(1) The DCO, or his/her designee, shall notify the occupants of each affected property of their eligibility for said signage.

(2) Each affected property is limited to a signage area of thirty-two (32) square feet and may not exceed eight (8) feet in height.

(3) Signs erected during public right-of-way construction may be in the public right-of-way but shall not obstruct visibility triangles.

(4) The applicant shall submit a fee in accordance with the then current fee schedule for temporary signage and may keep the temporary signage in place throughout the duration of construction activity.

G. *Incidental signs* - Incidental signs of a non-commercial nature are intended primarily for the convenience of the public and may also provide direction to pedestrian and vehicular traffic. Incidental signage may be subject to permitting requirements under the technical building codes, as determined by the Building Official. Such signs are allowed in addition to all other signs when they are of such a size and location that satisfy their intended purpose and do not constitute additional advertising. Incidental signs must adhere to the following standards:

(1) Maximum sign face - Each incidental sign face may not exceed four (4) square feet.

(2) Maximum height - Each incidental sign shall be a maximum of three (3) feet in height including support posts unless required pursuant to regulatory agency requirements.

a. Height restrictions do not apply to wall-mounted incidental signs on principal structures, but projecting signs shall meet minimum clearance requirements as depicted in Figure 12-9.

(3) Exemptions - Larger/higher incidental signs may be used when required pursuant to other regulatory agency requirements or when the DCO deems necessary for safety or visibility for the public. The location and design of larger/higher incidental signs not mounted flush against principal structures must be approved by both the Building Official and the City Engineer.

(4) Prohibited - Any sign that imitates or resembles official traffic or governmental signs and signals, or otherwise presents a potential traffic or pedestrian hazard, including signs which obstruct visibility, are not allowed under this section.

H. *Temporary signs* - Temporary signs are non-permanent signs designed for short periods of display. Each parcel of land within the City shall be allowed temporary sign(s) at any given time on the parcel based on the following standards:

(1) Maximum number and size - Each parcel of land shall have no more than two (2) temporary signs at any one time and each individual sign shall be no more than three (3) square feet in size.

(2) Periods of display - Unlimited with exceptions noted under 12.8.2.K(3).

(3) Exceptions - Beginning ninety (90) days prior to and extending no more than seven (7) days following any election in which residents of the City are eligible to vote, additional temporary signs shall be allowed up to a maximum of five (5) signs per parcel. Each sign erected during this specific time period shall be no more than ten (10) square feet in size.

I. *Limited duration signs* - Limited duration signs are non-permanent signs that typically require longer display times. Each parcel of land within the City shall be allowed limited duration sign(s) at any given time on the parcel without a permit based on the following standards. Unless otherwise stated, the requirements listed below shall apply to both commercial and non-commercial signs.

(1) Residential -

a. Freestanding sign(s) may be erected on a residential property during the time of sale, lease or rental of a lot or dwelling unit, provided that the following conditions are met:

(i) Maximum number - One (1) sign per street frontage if the signs are not visible simultaneously, plus one (1) sign per each additional three-hundred (300) feet of frontage;

(ii) Maximum size and height - Each sign may not exceed six (6) square feet in area and eight (8) feet in height. On lots of more than two (2) acres, each sign area may be increased to sixteen (16) square feet and eight (8) feet in height;

(iii) Minimum separation - Each sign must have a minimum separation of three-hundred (300) feet or not be visible simultaneously; and,

(iv) Periods of display - Unlimited, provided that the sign is removed within 15 days of the sale, lease or rental of the lot or dwelling unit.

(v) Exceptions - For any property that received development approval from the City to construct a townhome subdivision, all the conditions noted under this subsection shall apply except that the maximum size of each sign area may be increased to sixteen (16) square feet and, for properties between two (2) and four (4) acres in size, the maximum size of each sign area may be increase to thirty-two (32) square feet. For properties greater than four (4) acres in size the maximum size of each sign area may be increased to sixty-four (64) square feet. Such signs may be erected after approval of a Development Order and remain until issuance of a building permit for the last lot to be sold or completion of the development project.

b. Freestanding sign(s) may be erected on a residential property during the time of construction or remodeling of a property provided building permit(s) have been issued and the following conditions are met:

(i) Maximum number - One (1) sign per street frontage if the signs are not visible simultaneously, plus one (1) sign per each additional three-hundred (300) feet of frontage;

(ii) Maximum size and height - Each sign may not exceed six (6) square feet in area and eight (8) feet in height. On lots of more than two (2) acres, each sign area may be increased to sixteen (16) square feet and eight (8) feet in height;

(ii) Minimum separation - Each sign(s) on the same parcel must have a minimum separation of three-hundred (300) feet or not be visible simultaneously;

(iv) Periods of display - Allowed for the duration of active construction or remodeling (i.e., from permit issuance to final inspection/Certificate of Occupancy); and

(v) Exceptions - For any property that received development approval from the City to construct a townhome subdivision, all the conditions noted under this subsection shall apply except that the maximum size of each sign area may be increased to sixteen (16) square feet and, for properties between two (2) and four (4) acres in size, the maximum size of each sign area may be increase to thirty-two (32) square feet. For properties greater than four (4) acres in size the maximum size of each sign area may be increased to sixty-four (64) square feet. Such signs may be erected after approval of a Development Order and remain until issuance of a building permit for the last lot to be sold or completion of the development project.

(2) Nonresidential -

a. Freestanding sign(s) may be erected on a nonresidential property during the time of sale, lease or rental of a lot or dwelling unit, provided that the following conditions are met:

(i) Maximum number - One (1) sign per street frontage if the signs are not visible simultaneously, plus one (1) sign per each additional three hundred (300) feet of frontage;

(ii) Maximum size and height - Each sign may not exceed sixteen (16) square feet in area and eight (8) feet in height. On lots of more than two (2) acres, each sign area may be increased to thirty-two (32) square feet and eight (8) feet in height;

(iii) Minimum separation - Each sign on the same parcel must have a minimum separation of three hundred (300) feet or not be visible simultaneously; and,

(iv) Periods of display - Unlimited, provided that the sign is removed within 15 days of the sale, lease or rental of the lot or dwelling unit.

b. Freestanding sign(s) may be erected on a nonresidential property during the time of construction or remodeling of a property provided building permit(s) have been issued and the following conditions are met:

(i) Maximum number - One (1) sign per street frontage if the signs are not visible simultaneously, plus one (1) sign per each additional three hundred (300) feet of frontage;

(ii) Maximum size and height - Each sign may not exceed sixteen (16) square feet in area and eight (8) feet in height. On lots of more than two (2) acres, each sign area may be increased to thirty-two (32) square feet and eight (8) feet in height;

(iii) Minimum separation - Each sign on the same parcel must have a minimum separation of three hundred (300) feet or not be visible simultaneously;

(iv) Periods of display - Allowed for the duration of active construction or remodeling (i.e., from permit issuance to final inspection/Certificate of Occupancy).

J. *Portable A-frame signs* - Portable A-frame signs are allowed in the CRDs, Activity Centers, and Multimodal Corridors on nonresidential and mixed-use properties. Such A-frame signs shall be allowed on private property without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Chapter. The following standards shall apply:

(1) One (1) A-Frame sign shall be allowed per separate business.

(2) The maximum overall dimension of an A-frame sign shall be twenty-six (26) by forty-two (42) inches (see Figure 12-14);

(3) No A-frame sign shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic and shall provide a minimum of three (3) feet of clear passage for pedestrians on a sidewalk where a sidewalk exists;

(4) No A-frame sign shall obstruct a visibility triangle;

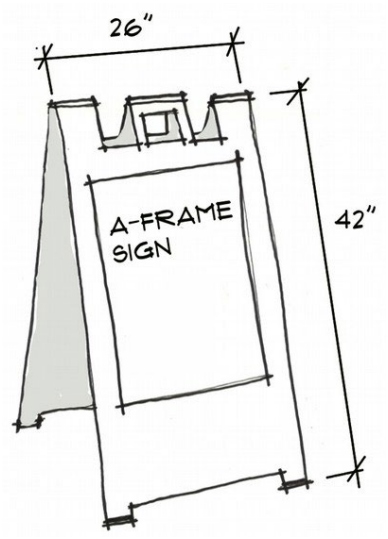
(5) All A-frame signs shall only be displayed during the sign owner's business hours and shall be stored indoors when the business is not open, during tropical storm/hurricane watches and warnings, and other severe weather advisories;

(6) A-frame signs shall be placed adjacent to the business displaying the sign;

(7) A-frame signs shall be professionally constructed of a durable material including but not limited to aluminum, cast metal, molded plastic, PVC, recycled plastic, lumber, metal, wood or other similar materials; and,

(8) A-frame signs shall not be illuminated, animated, electrically powered.

Figure 12-14: A-Frame Sign Dimensions



(Ord. No. 2024-04 , § 2, 11-21-2023)

12.10.3 Requirements

It is the property owner's responsibility to ensure that signs exempt from permit requirements are designed and installed to preserve public safety and do not constitute prohibited signs and do not violate general signage restrictions outlined under Section 12.6.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.11 Sign Permit Applications

12.11.1 Applicability

Unless noted otherwise within these regulations, no person shall erect, alter, enlarge, extend, repair, replace, or relocate a sign, sign structure, or sign lighting source without approval of a city building permit. These permit submission requirements do not apply to signs exempt from this Chapter described under Section 12.3.2 or exempt from permitting requirements described under Section 12.10.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.11.2 Permit Submission Requirements

Except as exempted elsewhere in this Chapter, all permit applications for signs shall be submitted by a licensed professional, and all electrical, mechanical, or plumbing work shall be performed only by individuals licensed for such work, and must include the following information and documents:

A. Parcel identification number and address of the proposed sign(s) location;

B. Future land use map designations for the property on which the sign(s) will be located and a description of the actual use of the property where the sign(s) will be installed;

C. Applicant's contact information (e.g., name, address, phone number, email);

D. Property owner's contact information (e.g., name, address, phone number, email);

E. A notarized affidavit or statement of authorization signed by the property owner consenting to the installation and placement of the proposed sign(s) on the property;

F. For freestanding signs, a current legal survey or site plan of the property is required. All other proposed sign types require either the submission of a legal survey or a plot plan, drawn to scale. All plans must show the location and dimensions of all property lines, rights-of-way, easements, and improvements (e.g., overhead utility lines; location and dimensions of onsite buildings; driveways, etc.) within and adjacent to the property. The location(s) of all existing and proposed freestanding signs must be indicated;

G. Elevation drawing(s) showing the location and dimensions of all existing and proposed signs attached to building(s), including but not limited to wall, canopy, and projecting signs. When a building is occupied by multiple tenants and/or is in a CRD, the drawings shall also indicate each occupant's linear building frontage;

H. Scale drawings(s) showing the dimensions and construction of all existing and proposed sign structures. The drawings shall detail the proposed sign type(s) to be installed with dimensions included (e.g., sign face width, height and area, overall height, depth, color scheme, structural details, materials, illuminated or non-illuminated, and lighting scheme). When submitted as part of a sign permit application, these drawings must be signed and sealed by a registered engineer;

I. The value of the proposed sign(s);

J. A letter of "No Objection" from utility providers (e.g., Duke Energy) or other jurisdictional agencies, as applicable, for any signs located within ten (10) feet of a right-of-way or a utility easement;

K. If the applicant for a proposed freestanding sign wishes to measure sign height from the crown of the adjacent roadway, a legal boundary survey must be submitted for the subject parcel depicting the roadway crown elevation;

L. If the proposed freestanding sign is to be located on a parcel immediately adjacent to US Highway 19, a legal boundary survey must be submitted for the subject parcel depicting the highest point of US Highway 19 adjacent to the subject parcel(s)' property line(s). The highest point of US Highway 19 adjacent to the subject parcel(s) shall be measured as described in Section 12.9.5; and,

M. A Master Signage Plan, as described in Section 12.12, if it is required to be submitted and kept on file with the Community Development Department by that section.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.11.3 Permit Conditions and Processes

A. *Fees* - No permit shall be issued until the appropriate application has been filed with the Building Official and/or his or her designee and all permit fees have been paid.

B. *Review process* -

(1) Review criteria - The permit application for a sign shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this Chapter and consistency with the approved Master Signage Plan for the property as well as any other applicable provision of the CDC.

(2) Application review deadlines - The review of the permit application for signs shall be completed within fifteen (15) business days after the receipt of the completed application by the Community Development Department. The application shall be approved or denied within that time frame. If the application is denied, the reasons for denial shall be set forth in writing and delivered to the applicant within fifteen (15) business days.

C. *Inspection process* - The Community Development Department may make, or require, any inspections to ascertain compliance with the provisions of this Chapter as well as any other applicable provisions of the CDC, and/or other applicable laws, regulations, and technical codes.

D. *Permit duration* - Shall be in accordance with Section 18.1.1 Building Codes.

E. *Failure to obtain a permit* - Any work performed without a permit, when one is required, shall result in the entire sign being considered illegal and subject to immediate removal at the property owner's expense. Should it be determined that the sign is legally permissible, the property owner shall pay three (3) times the normal application fee to obtain a permit to retain the sign.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.11.4 Permit Exceptions

Forms of signage listed as exempt from this Chapter under Section 12.3.2 and sign types exempt for permitting requirements are listed in Section 12.10. In addition, no permit shall be required to perform the following actions:

A. Replaceable copy on sign - Change the copy on a sign which is specifically designed for the use of replaceable copy. This shall include the replacement of sign panels, provided it does not materially alter the sign structure or require a permit. This provision does not exempt a property owner from the requirement to bring nonconforming signs into conformance, when applicable.

B. Simple, nonstructural maintenance - Simple nonstructural maintenance of a sign which shall include:

(1) Paint, stucco, or other similar treatments applied to the sign's structure to improve aesthetics and/or inhibit rust and deterioration; and

(2) Replacement of defective parts and expendable components (e.g., lighting elements, vinyl letters).

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.12 Master Sign Plans

A. Objective - A Master Sign Plan provides information about what signs already exist on a property when an application for a permit is made and eliminates the need to recompute the dimensions and location of each permitted sign when a sign administration or enforcement question arises. The Master Sign Plan is used to determine the maximum aggregate sign area allowance for a property or tenant space for multiple tenant buildings or complexes. Section 12.8.3.G details how maximum aggregate signage area is calculated and Tables 12-1 and 12-2 summarizes the details.

B. Applicability - A Master Signage Plan Form shall be filed with the Community Development Department and kept up to date by filing a new Master Signage Plan Form when conditions change. A Master Signage Plan Form shall be required under the following circumstances:

(1) As a condition of the Development Order (DO) to develop or redevelop a property;

(2) All permit applications involving a sign or its light source; and

(3) All permit applications involving exterior renovations to a building with attached signs.

C. Submission requirements -

(1) The applicant shall complete the Master Signage Plan Form and include items listed under 12.11.2 as part of the permit submission requirements.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.12.1 Alternate Master Sign Plan

The purpose of the Alternate Master Sign Plan is to provide flexibility for sign size, height, and placement responding to the special needs for both project and tenant visibility of multi-building/tenant campuses of regional size and significance, particularly located along high traffic corridors and in activity centers.

A. *Nonresidential developments outside CRDs* -

(1) Required characteristics - To qualify for an alternate master sign plan, a nonresidential development must have all the following characteristics:

a. The site is a campus or complex of nonresidential buildings and/or nonresidential multi-tenant spaces (such as a medical campus or shopping center); and

b. The site is at least three (3) acres in size; and,

c. All parcels and buildings are either under a single ownership or there is a shared ownership across all parcels and buildings (represented by a property owners association, a unity of title, unified management, or similar mechanism showing joint ownership); and,

d. All parcels and buildings are served by shared internal vehicular circulation and parking, and the site functions as a unified development; and,

e. The site has frontage on at least one (1) major collector, principal arterial or highway.

(2) Design standards - All freestanding signs approved for nonresidential developments under an alternate master sign plan are subject to the following design standards:

a. Signs shall reflect the architecture of the buildings on the site, using similar materials, styles, and architectural treatments;

b. The maximum height for a freestanding monument sign on a nonresidential site that has the required street frontage and aggregate area multiplier shall not exceed twelve (12) feet with one hundred sixty (160) square feet of sign face unless a bonus height and area is applied for and approved based on criteria outlined under Section 12.2.2. With approval of an Alternate Master Sign Plan that grants bonus height and area, freestanding monument signs shall not exceed twenty-four (24) feet in height and 200 square feet in area.

c. Freestanding monument signs above twelve (12) feet in height may be partially open at the base; however, the opening shall not exceed half the height of the proposed sign at the base for better visibility, as long as the sign is supported by at least two (2) structural supports that are designed to match the primary sign utilizing similar architectural design and materials, including but not limited to color and any trim work.

(3) Freestanding identification signs - Freestanding identification signs for the entire campus (including individual tenant or owner identification as well as directory signage) may be proposed

to be placed on any parcel contained within the campus/complex, subject to a finding by the DCO that the proposed sign location(s) appropriately serve to identify the entire campus/complex. Directory or directional signage that is designed to be part of an identity plan for an entire campus/complex may be placed appropriately throughout the campus/complex and will not be counted toward the maximum allowed sign area.

B. *Nonresidential developments inside CRDs* -

(1) Required characteristics - To qualify for an alternate master sign plan, a nonresidential development in one of the CRDs must have all the following characteristics:

a. The site is a campus or complex of nonresidential buildings and/or nonresidential multi-tenant spaces (such as a medical campus or shopping center); and

b. The site is at least three (3) acres in size; and,

c. All parcels and buildings are either under a single ownership or there is a shared ownership across all parcels and buildings (represented by a property owners association, a unity of title, unified management, or similar mechanism showing joint ownership); and,

d. All parcels and buildings are served by shared internal vehicular circulation and parking, and the site functions as a unified development; and,

e. The site has frontage on at least one (1) major collector, principal arterial or highway.

(2) Design standards - All freestanding signs approved for nonresidential developments under an alternate master sign plan are subject to the following design standards:

a. Signs shall reflect the architecture of the buildings on the site, using similar materials, styles, and architectural treatments;

b. No freestanding monument sign will be allowed within the CRDs above eight (8) feet in height unless approved as part of an alternate master sign plan, and the maximum height that can be granted is twelve (12) feet. Monument signs approved up to twelve (12) feet in height may be partially open at the base; however, the opening shall not exceed half the height of the proposed sign at the base for better visibility, as long as the sign is supported by at least two (2) structural supports that are designed to match the primary sign utilizing similar architectural design and materials, including but not limited to color and any trim work.

(3) Freestanding identification signs - Freestanding identification signs for the entire campus (including individual tenant or owner identification as well as directory signage) may be proposed to be placed on any parcel contained within the campus/complex, subject to a finding by the DCO that the proposed sign location(s) appropriately serve to identify the entire campus/complex. Directory or directional signage that is designed to be part of an identity plan for an entire campus/complex may be placed appropriately throughout the campus/complex and will not be counted toward the maximum allowed sign area.

(4) Location restrictions - Alternate master sign plans for nonresidential developments are allowed in the Mixed-Use Character (MUC), Medical Arts (MA), and Professional Office (PO) Districts of the CRDs subject to full compliance with the standards, regulations and criteria contained in the CRD Plans and supplemental standards.

C. *Residential multifamily developments and Assisted Living Facilities (ALFs)* -

(1) Required characteristics - To qualify for an alternate master sign plan, multifamily developments and assisted living facilities must have all the following characteristics:

a. The site is a campus or complex of buildings containing at least 50 dwelling units; and,

b. The site is at least six (6) acres in size;

c. All parcels and buildings are either under a single ownership or there is a shared ownership across all parcels and buildings (represented by a property owners association, a unity of title, unified management, or similar mechanism showing joint ownership);

d. All parcels and buildings are served by shared internal vehicular circulation and parking, and the site functions as a unified development.

(2) Design standards - All freestanding signs approved for multifamily developments and assisted living facilities under an alternate master sign plan are subject to the following design standards:

a. Freestanding signs shall be limited to seventy-two (72) square feet in area and a height of twelve (12) feet.

b. Shall meet any other applicable requirements of this CDC.

(3) Freestanding identification signs - Freestanding identification signs for the entire campus (including individual tenant or owner identification as well as directory signage) may be proposed to be placed on any parcel contained within the campus/complex, subject to a finding by the DCO that the proposed sign location(s) appropriately serve to identify the entire campus/complex. Directory or directional signage that is designed to be part of an identity plan for an entire campus/complex may be placed appropriately throughout the campus/complex and will not be counted toward the maximum allowed sign area.

(4) Location restrictions - Shall not apply to Mobile Home Park communities and single-family subdivisions, duplex or triplex properties.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.12.2 Bonus Height and Area for Alternate Master Sign Plans

As part of a proposed Alternate Master Sign Plan, the Development Control Officer (DCO) may make a finding that additional bonus height and/or size for a freestanding sign(s) is warranted. Signs shall not exceed twenty-four (24) feet in height and 200 square feet in area. The provision of this additional height and square footage may be granted by the DCO, based on the following:

A. A proposed freestanding sign(s) provides a level of architectural quality significantly above that required by this Section and a special need for visibility is demonstrated based on the characteristics of the adjacent street(s); or

B. The site is a campus or complex of buildings and/or multi-tenant spaces with regional significance and identification needs.

(Ord. No. 2024-04 , § 2, 11-21-2023)

Section 12.13 Signage in the Community Redevelopment Districts (CRDs)

12.13.1 Objective

To identify specific sign code standards for special use designations and overlays applied to areas of the City that serve as local retail, financial, governmental, residential, and employment focal points. These areas have specific

development standards and bonus densities designed to encourage redevelopment in one or a combination of uses, with good access to mass transit.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.13.2 Applicability

The sign standards contained within this Section of the CDC apply to residential and nonresidential properties within the Clearwater Largo Road and West Bay Drive CRDs (See Map 7-2). Sign types not specifically regulated in this Section shall follow all standards and restrictions contained in Chapter 12 including but not limited to prohibited signs or signs violating general signage restrictions outlined under Section 12.6.4.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.13.3 Permitted Sign Types in CRDs

Allowable signage for developed properties in the CRDs shall be based on the use of the property, not the land use designation of the property. The type, number, and dimensional standards for sign types that require a permit on properties within the CRDs are outlined in this Section and Table 12-2. All CRD properties shall be required to submit a Master Signage Plan Form as set forth in Section 12.12.

A. *Freestanding monument signs* -

(1) All properties, except for single-family, duplex, and triplexes, in the CRDs shall be permitted one (1) freestanding monument sign, in compliance with the maximum sign dimensions illustrated on Figure 12-15 and established in Table 12-2.

(2) Signage shall be integrated with the design and materials of the building. The base of the sign may be made of the same materials as the building and may echo the style of the building facade.

(3) An additional freestanding monument sign shall be allowed if the (re)development has more than five hundred (500) linear feet of road frontage on a single roadway, or if the (re)development takes vehicular traffic from more than one arterial roadway. Free standing monument signs on sites with multi-tenants or multi-buildings must follow the City-wide standards contained in Section 12.9.3 and Table 12-1.

(4) Allowable freestanding monument sign area may be transferred and added to the maximum allowable wall signage. The additional sign area allowed for buildings over three (3) stories cannot be transferred to projecting signs, monument signs, or signs located below the third story.

Figure 12-15: Maximum Signage Area Allowances in the CRDs

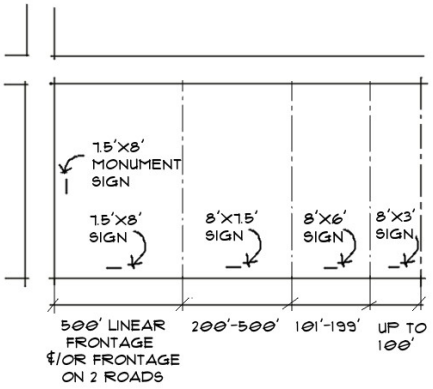


Table 12-2: Maximum Aggregate Signage Area Allowances — CRDs				
Linear Feet of Lot Frontage	Monument Signs		Projecting Signs	Wall/Canopy Signs
	Sign face area	Sign height	Sign face area	Sign face area
100' or less	24 sq. ft.	8 feet	8 sq. ft.	50 sq. ft.
101'—199'	48 sq. ft.	8 feet	8 sq. ft.	60 sq. ft.
200'—499'	60 sq. ft.	8 feet	8 sq. ft.	70 sq. ft.
More than 500' and/or frontage on more than one arterial road	2 signs at 60 sq. ft. each	8 feet	2 signs at 60 sq. ft. each	100 sq. ft.
Buildings over 3 stories	Depends on linear feet of road frontage	8 feet	Depends on linear feet of road frontage	Additional sign area shall be permitted above the third floor of the building. The allowable sign area shall be 3 sq. ft. per each vertical foot of building height (excluding antennas and other attachments) up to a max of 300 sq. ft.

B. *Wall-mounted signs (canopy, lettering, and/or projecting) -*

(1) One (1) projecting sign shall be allowed for each business located within a (re)development, in compliance with the maximum sign dimensions established in Table 12-2.

(2) One (1) or more wall/canopy signs shall be allowed for each separate business within a (re)development, up to the maximum sign areas allowed per applicant, in compliance with the maximum sign dimensions established in Table 12-2.

(3) Trail related uses which abut the Pinellas Trail, Duke Energy Trail, or any other designated urban trail shall be allowed one (1) additional wall sign or projecting sign not to exceed thirty-two (32) square feet located on the side of the building facing the Pinellas Trail or the designated urban trail.

(3) Signs located on (or overhanging upon) a public right-of-way shall require a hold harmless agreement to indemnify the City from any and all loss resulting from injury to, or death to, persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such canopy area.

(4) Allowable freestanding sign area may be transferred and added to the maximum allowable wall signage. The additional sign area allowed for buildings over three (3) stories cannot be transferred to projecting signs, monument signs, or signs located below the third story.

C. *Light projection signs* - Light projection signs, which project light onto a building façade and include commercial content are allowed and must calculate the commercial content as part of the maximum wall sign area in accordance with Table 12-2.

(1) Light projection signs may not:

a. Project on parts of buildings that are used for residential or lodging purposes;

b. Shine, either fully or partially, on any property, building, or public right-of-way, including a street or sidewalk other than the building where the image will appear;

c. Flash, animate, or scroll text;

d. Distract or inhibit the vision of pedestrians, bicyclists, and motorists;

d. Be controlled through social media or by any person other than the property owner; or

e. Be displayed at any time outside the hours of 7:00 a.m. to 2:00 a.m.

(2) Light Projection signs displayed by the City of Largo to promote are allowed and have no size maximums. These light projecting signs may be used for city-authorized special events and municipal messaging and are considered governmental signs.

(Ord. No. 2024-04 , § 2, 11-21-2023)

12.13.4 Signs Exempt from Permits and Requirements in CRDs

Unless otherwise noted below, standards for signs exempt from permits and requirements under Section 12.10 also apply to CRD properties.

A. *Downtown promotional banners* - Banners erected by the City of Largo are allowed and have no size maximums or display time limits. These banners may be used for city-authorized special events and municipal messaging and are considered governmental signs.

B. *Window signs and coverings* - Permanent and temporary window signs or coverings displaying commercial and non-commercial content shall be permitted on nonresidential land uses in CRDs.

Groups of multiple windows or doors within six (6) inches of one another on the same building façade shall be considered as one (1) window or door for the purpose of sign face area calculation.

(1) Occupied buildings -

a. An occupied nonresidential building, or individual tenant space in such a building, may cover a maximum of twenty-five (25) percent of the window area.

b. Window signs that meet the definition of governmental signs are allowed and have no size maximums.

c. An electrical permit may be required, if applicable.

(2) Vacant or unoccupied buildings -

a. If a nonresidential building, or individual tenant space in such a building, is unoccupied and vacant for more than thirty (30) days or is undergoing construction/renovation with an active building permit, one hundred (100) percent of any window may have window coverings including but not limited to brown kraft paper or decorative, non-commercial window coverings.

b. This applies to all first or ground floor windows facing the street, public right-of-way, or any public sidewalk to prevent a clear view into the interior of the building.

c. Windows may not be covered with plastic garbage bags, plywood, cardboard, or soaping of windows.

(Ord. No. 2024-04 , § 2, 11-21-2023)

POLL WATCHERS

Designation of Poll Watchers Form DS-DE 125 (PDF)

Poll Watcher Deadlines:

November 5, 2024 General Election -

- **Early Voting Deadline:** Prior to NOON, October 7
- **Election Day Deadline:** Prior to NOON, October 22

Municipal Candidates & Political Committees Registered with a Municipality

- For municipal elections, forms for the designation of poll watchers must be submitted to the applicable municipal clerk by the deadline.

All Other Candidates, Political Committees & Political Parties

- For county elections, forms for the designation of poll watchers must be submitted to any Supervisor of Elections office or emailed to WGrimes@VotePinellas.gov. If the poll watcher designation deadline falls on a Saturday, Sunday or holiday when the elections offices are closed, forms must still be received before Noon on the deadline.

Procedures and Forms for Designation of Poll Watchers - Section 101.131, Florida Statutes

- **The deadline to submit Early Voting poll watcher designations is PRIOR TO NOON (12:00 p.m.) at least 14 days before early voting begins (F.S. 101.131).**
- **The deadline to submit Election Day poll watcher designations is PRIOR TO NOON (12:00 p.m.) the second Tuesday preceding the election (F.S. 101.131).**
- The chair of the county executive committee of a political party, the chair of a political committee and each candidate desiring poll watchers shall submit written authorization giving early voting and precinct assignment of poll watchers on a **Poll Watcher Designation Form DS-DE 125 (*PDF* - *Excel* / *Spanish PDF* - *Excel*).**
- The deadline for designating early voting poll watchers is **at least 14 days prior to the start of early voting**; the deadline for designating election day poll watchers is **PRIOR TO NOON THE SECOND TUESDAY** preceding the election.
- A poll watcher must be a Pinellas County registered voter.
- No candidate, sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher. In addition, **candidates CANNOT serve as poll workers** if they are opposed in an election, F.S. 101.131(3).
- With the exception for municipal elections, forms for the designation of poll watchers may be submitted to any Supervisor of Elections office, emailed to WGrimes@VotePinellas.gov or faxed to (727) 464-6239.
- If the deadline falls on a Saturday, Sunday or holiday when the elections offices are closed, with the exception for municipal elections, forms must still be received before noon and can be faxed to (727) 464-6239 or emailed to WGrimes@VotePinellas.gov.
- **FORMS CANNOT BE ACCEPTED AFTER THE DEADLINE**.

Poll Watcher Guidelines (Early Voting and Polling Places) - Section 101.131, Florida Statutes

- Poll watchers shall produce identification to the precinct clerk upon entering the polling place (this information will be verified against a list of designated poll watchers compiled prior to election day).
- The Supervisor of Elections shall provide to each designated poll watcher a poll watcher identification badge that identifies the poll watcher by name.
- Poll watchers must wear the ID badge while in the polling room or early voting area.
- Each political party, candidate, and political committee is permitted to have ONE poll watcher at a time in each polling room or early voting area.
- Poll watchers shall not obstruct the orderly conduct of the election.
- Poll watchers may not talk to voters while in the polling place or within 150 ft. of the polling place.
- Poll watchers may not interfere in conversations between poll workers and voters.
- Poll watchers shall direct any questions/concerns to the precinct clerk.
- Poll watchers shall direct any voter challenges to the precinct clerk.
- Poll watchers are permitted within the polling room to observe the conduct of voters and poll workers; however, the poll worker staff may designate a location for the poll watchers that will not interfere with voter processing. This designation may be based on site constraints and other space limitations.
- Poll watchers may not review the precinct registers while there are voters in line.
- Poll workers are NOT required to call out a voter's name.
- Poll watchers may not stand so close that the voter feels his/her ballot secrecy is compromised.
- Poll watchers are required to furnish their own materials and necessities.
- Candidates cannot be poll watchers, nor can they enter any polling location except to vote.
- Poll watchers may not touch any voting equipment or materials, e.g., ballot scanner.
- Poll watchers may use a mobile electronic device provided the device:
  1.Is set so as to produce no noise or a low volume vibration.
  2.Is not used to take photographs or record conversations inside the polling room or Early Voting area.
  3.Is not used by the poll watcher to hold an audible telephone conversation inside the polling room or Early Voting area.
  4.Is not used in any manner to create a specific disruption or disturbance within the polling room or Early Voting area. (See Division of Elections Opinion 12-13.)
- Poll watchers may not wear political advertisements or campaign paraphernalia in the polling place. This includes but is not limited to the following: clothing, campaign buttons, hats, wristbands, badges, and other similar items.**(Voters are entitled to wear political advertisements or campaign paraphernalia).**
- Poll watchers may contact the Poll Worker Department in the Supervisor of Elections office at (727) 464-6110 if they have any questions regarding Florida election laws and/or procedures.

Designation of Poll Watchers

Section 1. Election | **Official Use Only**

Election Date:

Select **Early Voting** or **Election Day**:

Section 2. Category of Authorized Persons

Complete Only One of the Boxes Below:

I am a **candidate** (or candidate designee*) for the following office in this election:

I am the **chair** (or designee*) of the County Executive Committee of the following Party:

I am the **chair** (or designee*) of the following Political Committee:

* A candidate or chair as indicated above must first submit a written, signed designation to the supervisor of elections (or for statewide candidates/issues, to the Division of Elections) authorizing the designee to designate poll watchers on his or her behalf.

Section 3. Candidate/Chair/Designee

I request that the listed person(s) below (none of whom is a candidate or a sheriff, deputy sheriff, police officer or other law enforcement officer), who are qualified and registered voters of the county in which they will serve, be approved as poll watchers at the locations indicated below.

Name:

Address:

Email address:

Phone:

By submitting this form, I certify that I am the person listed above and I am authorized under s. 101.131, Florida Statutes, to designate poll watchers.

Date Submitted:

Note: This form becomes a public record when submitted to the Supervisor of Elections.

Section 4. List of Designated Poll Watchers

Name	**Date of Birth** (mm/dd/yyyy)	**Residential Address**	**Phone #**	**Polling Place / Early Voting Site** (Either write "All Locations" or specify location)	**Official Use Only** **Approved** (Y/N)	**Assigned Badge Number**

Early Voting Deadline - No later than noon at least 14 days before early voting begins
Election Day Deadline - No later than noon of the 2nd Tuesday before the election

Designation of Poll Watchers

Name	**Date of Birth** (mm/dd/yyyy)	**Residential Address**	**Phone #**	**Polling Place / Early Voting Site** (Either write "All Locations" or specify location)	**Approved** (Y/N)	**Assigned Badge Number**

Form DS-DE 125 (Eff. 8/2016) Rule 1S-2.054, F. A. C.

Early Voting Deadline - No later than noon at least 14 days before early voting begins

Election Day Deadline - No later than noon of the 2nd Tuesday before the election

Note: This instructional page need not be included with submission of the DS-DE 125.

INSTRUCTIONS FOR POLL WATCHER DESIGNATIONS

1. Each candidate/political party/political committee may have only one poll watcher per polling room or early voting area at any one time.

2. A candidate whose name will appear on the ballot in a future election may not designate poll watchers for an election in which the candidate's name is not on the ballot.

3. Designation of Poll Watchers, Form DS-DE 125, must be used to request designation of poll watchers. **Separate forms must be submitted for designating Early Voting and Election Day poll watchers**. Sufficient information concerning the desired poll watcher must be completed on the form so that the Supervisor of Elections can identify the person as a registered voter in the supervisor's county.

4. Form DS-DE 125 and any attachments to it may be provided to the supervisor of elections by personal delivery, mail, fax, or email.

5. The deadlines to submit a request for poll watcher designation:

   For Early Voting (EV) -- No later than noon at least 14 days before EV begins.

   For Election Day -- No later than noon of the second Tuesday preceding the election.

6. The Supervisors of Elections must approve or disapprove the designation of poll watchers for early voting areas no later than 7 days before the start of early voting and the designations for poll watchers for polling rooms on Election Day, on or before the Tuesday before the election.

POLL WATCHERS

A poll watcher:

1. Must be a qualified and registered voter of the county in which they serve as poll watcher.

2. Cannot be a candidate, sheriff, deputy sheriff, policeman, or other law enforcement officer.

3. Who is designated for a specific location is not precluded from going to another polling room/EV area if the number of poll watchers at any particular polling room/EV area does not exceed the allowable number for the applicable candidate/political party/political committee.

4. Who is designated for "All locations/areas" (at-large) is not permitted to be present in a polling room/EV area at the same time as another poll watcher designated by the same candidate/political party/political committee.

5. Will be provided a Poll Watcher Identification Badge by the Supervisor of Elections. The poll watcher must wear his or her Poll Watcher Identification Badge while in the polling room or EV area.

6. Must bring his or her own materials and necessities.

7. Is allowed within the polling room to observe the conduct of the election. He or she *may not* obstruct the orderly conduct of the election.

8. May observe the voter check-in process. He or she may not come closer to the inspectors' table or the voting booths than is reasonably necessary to perform the poll watcher's functions.

9. May not speak to or otherwise interact with voters nor provide assistance to a voter in any way with the voting of his/her ballot, unless a Request for Assistance Form is completed at the voter's request.

10. May make and provide written voter challenges to the precinct clerk.

11. Shall pose any questions regarding polling place procedures directly to the precinct clerk for resolution.

Note: For further details or requirements governing the designation and conduct of poll watchers, refer to sections 101.131 and 101.111, Florida Statutes; Rule 1S-2.034 of the Florida Administrative Code; and the rule's incorporated form, DS-DE 11, which contains the Polling Place Procedures Manual.

OATH OF ACQUISITION
FOR LIST OF VOTERS REQUESTING VOTE-BY-MAIL BALLOTS

Florida Statute 101.62(2) provides that for political purposes only the following can request a list of registered voters who have requested absentee ballots:

- ☐ A canvassing board
- ☐ An election official
- ☐ A political party or political party official
- ☐ A candidate who has filed qualification papers and is opposed in an upcoming election
- ☐ A registered political committee

Please check the appropriate box above and complete the following statement(s) as applicable:
I hereby swear or affirm that I am authorized to receive this information

_____ _____
(**Print Name**) **(Signature)**

_____ _____ _____
(**Title**) **(Email)** **(Phone)**

I authorize the following person(s) to place and accept orders on my behalf.

Designated Representative(s):

_____ _____
(Print Name) (Email, Phone)

_____ _____
(Print Name) (Email, Phone)

Signature MUST be notarized or witnessed by a Deputy Supervisor of Elections:

(A) Sworn to and subscribed before me, a Notary Public of the State of Florida, this _____ day of _____, 20_____.

Signature of Notary Public: _____

Print, Type, or Stamp Commissioned Name of Notary Public: _____

____Personally known OR ____Produced Identification

Type of Identification Produced: _____

OR

(B) Sworn to and subscribed before me, the Supervisor or Deputy Supervisor of Elections of Pinellas County, this _____ day of _____, 20_____.

Signature of Supervisor or Deputy: _____

To the best of my knowledge, the information supplied on lists, correctly reflects information supplied to the Office of the Supervisor of Elections by the registered voters of Pinellas County, Florida.

Julie Marcus, Pinellas County Supervisor of Elections
13001 Starkey Road, Largo, Florida 33773

FLORIDA COMMISSION ON ETHICS



GUIDE
to the
SUNSHINE AMENDMENT
and
CODE of ETHICS
for Public Officers and Employees

2024

State of Florida

COMMISSION ON ETHICS

Ashley Lukis, *Chair*
Tallahassee

Michelle Anchors, *Vice Chair*
Fort Walton Beach

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Gainesville

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Freddie Figgers
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Executive Director
P.O. Drawer 15709
Tallahassee, FL 32317-5709
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(850) 488-7864*

*Please direct all requests for information to this number.

TABLE OF CONTENTS

I. HISTORY OF FLORIDA'S ETHICS LAWS 1
II. ROLE OF THE COMMISSION ON ETHICS 2
III. THE ETHICS LAWS 2
A. PROHIBITED ACTIONS OR CONDUCT 3
1. Solicitation or Acceptance of Gifts 3
2. Unauthorized Compensation 4
3. Misuse of Public Position 4
4. Abuse of Public Position 4
5. Disclosure or Use of Certain Information 4
6. Solicitation or Acceptance of Honoraria 5
B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS 5
1. Doing Business With One's Agency 5
2. Conflicting Employment or Contractual Relationship 6
3. Exemptions 6
4. Additional Exemption 8
5. Lobbying State Agencies by Legislators 8
6. Additional Lobbying Restrictions for Certain Public Officers and Employees 8
7. Employees Holding Office 8
8. Professional & Occupational Licensing Board Members 9
9. Contractual Services: Prohibited Employment 9
10. Local Government Attorneys 9
11. Dual Public Employment 9
C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES 10
1. Anti-Nepotism Law 10
2. Additional Restrictions 10
D. POST OFFICEHOLDING & EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS 10
1. Lobbying By Former Legislators, Statewide Elected Officers, and Appointed State Officers 10
2. Lobbying By Former State Employees 11
3. 6-Year Lobbying Ban 12
4. Additional Restrictions on Former State Employees 12
5. Lobbying By Former Local Government Officers and Employees 13

E. VOTING CONFLICTS OF INTEREST 13
F. DISCLOSURES 14
1. Form 1 - Limited Financial Disclosure 15
2. Form 1F - Final Form 1 19
3. Form 2 - Quarterly Client Disclosure 19
4. Form 6 - Full and Public Disclosure 20
5. Form 6F - Final Form 6 21
6. Form 9 - Quarterly Gift Disclosure 21
7. Form 10 - Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event-Related Expenses 22
8. Form 30 - Donor's Quarterly Gift Disclosure 23
9. Forms 1X and 6X – Amendments 24
IV. AVAILABILITY OF FORMS 24
V. PENALTIES 25
A. For Violations of the Code of Ethics 25
B. For Violations by Candidates 25
C. For Violations by Former Officers and Employees 25
D. For Lobbyists and Others 26
E. Felony Convictions: Forfeiture of Retirement Benefits 26
F. Automatic Penalties for Failure to File Annual Disclosure 26
VI. ADVISORY OPINIONS 27
A. Who Can Request an Opinion 27
B. How to Request an Opinion 27
C. How to Obtain Published Opinions 27
VII. COMPLAINTS 28
A. Citizen Involvement 28
B. Referrals 28
C. Confidentiality 28
D. How the Complaint Process Works 29
E. Dismissal of Complaint at Any Stage of Disposition 30
F. Statute of Limitations 30
VIII. EXECUTIVE BRANCH LOBBYING 30
IX. WHISTLE-BLOWER'S ACT 31
X. ADDITIONAL INFORMATION 32
XI.TRAINING 32

I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida's first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

A. PROHIBITED ACTIONS OR CONDUCT

1. Solicitation and Acceptance of Gifts

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly **accepting** a gift worth more than $100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

However, notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than $100 that formerly

were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

2. Unauthorized Compensation

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

3. Misuse of Public Position

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. [Sec. 112.313(6), Fla. Stat.]

4. Abuse of Public Position

Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others. [Article II, Section 8(h), Florida Constitution.]

5. Disclosure or Use of Certain Information

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

6. Solicitation or Acceptance of Honoraria

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to $5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

1. Doing Business With One's Agency

a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or

services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. Conflicting Employment or Contractual Relationship

a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:

a) When the business is rotated among all qualified suppliers in a city or county.

b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter

the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

d) When an emergency purchase must be made to protect the public health, safety, or welfare.

e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

f) When the aggregate of any such transactions does not exceed $500 in a calendar year.

g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of

the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

4. Additional Exemptions

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.]

5. Legislators Lobbying State Agencies

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

6. Additional Lobbying Restrictions for Certain Public Officers and Employees

A statewide elected officer; a member of the legislature; a county commissioner; a county officer pursuant to Article VIII or county charter; a school board member; a superintendent of schools; an elected municipal officer; an elected special district officer in a special district with ad valorem taxing authority; or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office. [Art. II Sec 8(f)(2), Fla. Const. and Sec. 112.3121, Fla. Stat.]

7. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

8. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

9. Contractual Services: Prohibited Employment

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

10. Local Government Attorneys

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

11. Dual Public Employment

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES

1. Anti-Nepotism Law

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. Additional Restrictions

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. POST OFFICE HOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. Lobbying by Former State Employees

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions, unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

b) serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

3. 6-Year Lobbying Ban

For a period of six years after vacation of public position occurring on or after December 31, 2022, a statewide elected officer or member of the legislature shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature or any state government body or agency. [Art. II Sec 8(f)(3)a., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature, the governor, the executive office of the governor, members of the cabinet, a department that is headed by a member of the cabinet, or his or her former department. [Art. II Sec 8(f)(3)b., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, or an elected special district officer in a special district with ad valorem taxing authority shall not lobby for compensation on issues of policy, appropriations, or procurement before his or her former agency or governing body. [Art. II Sec 8(f)(3)c., Fla. Const. and Sec. 112.3121, Fla. Stat.]

4. Additional Restrictions on Former State Employees

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

5. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of which he or she was an officer for two years after leaving office. Appointed officers and employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

E. VOTING CONFLICTS OF INTEREST

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

F. DISCLOSURES

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.; members of the board of Florida is

for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other

political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $35,000 for the local governmental unit.

5) Members of governing boards of charter schools operated by a city or other public entity.

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

1) Employees in the Office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

5) The superintendent or director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding $35,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES who do not currently hold a position requiring the filing of a Form 1 or Form 6 must register and use the electronic filing system to complete the Form 6, then print and file the disclosure with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

File with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

Beginning January 1, 2024, all Form 1 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable by name or organization on the Commission's website.

2. FORM 1F - Final Form 1 Limited Financial Disclosure

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. FORM 2 - Quarterly Client Disclosure

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the

issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

File with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

Beginning January 1, 2024, all Form 2 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable on the Commission's website.

4. FORM 6 - Full and Public Disclosure

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of a city council and candidates for these offices; the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over $1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When and Where To File:

Officials must file FORM 6 annually by July 1 with the Commission on Ethics.

Beginning January 1, 2023, all Form 6 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable by name and organization on the Commission's website.

CANDIDATES who do not currently hold a position requiring the filing of a Form 1 or Form 6 must register and use the electronic filing system to complete the Form 6, then print and file the disclosure with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

5. FORM 6F - Final Form 6 Full and Public Disclosure

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. FORM 9 - Quarterly Gift Disclosure

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than $100, other

than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than $100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The officer or employee then must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, any expenditure made for the purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

8. FORM 30 - Donor's Quarterly Gift Disclosure

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than $100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between $25 and $100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, any expenditure made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

9. FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

Beginning January 1, 2024, LOCAL OFFICERS and EMPLOYEES, and OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file FORM 1 annually must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 annually, including City Commissioners and Mayors, must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

V. PENALTIES

A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed $10,000*, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the ballot, public censure, reprimand, or a civil penalty not to exceed $10,000*, and triple the value of a gift received from a political committee.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed $10,000*, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

*Conduct occurring after May 11, 2023, will be subject to a recommended civil penalty of up to $20,000. [Ch. 2023-49, Laws of Florida.]

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to $5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between $25 and $100, may be penalized by a fine of not more than $5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined $50 per day per report for each day the report is late, up to a maximum fine of $5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of $25 for each day late the form is filed after September 1, up to a maximum penalty of $1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

C. How to Obtain Published Opinions

All of the Commission's opinions are available for viewing or download at its website: www.ethics.state.fl.us.

VII. COMPLAINTS

A. Citizen Involvement

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at www.ethics.state.fl.us. The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can download a complaint form (FORM 50) from the Commission's website: www.ethics.state.fl.us, or contact the Commission office at the address or phone number shown on the inside front cover of this booklet.

B. Referrals

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney. A vote of six of the Commission's nine members is required to proceed on such a referral.

C. Confidentiality

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

D. How the Complaint Process Works

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

In cases of very minor financial disclosure violations, the official will be allowed an opportunity to correct or amend his or her disclosure form. Otherwise, if the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

E. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

F. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report

with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of any specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at www.floridalobbyist.gov. Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4990

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. TRAINING

Constitutional officers, elected municipal officers, commissioners of community redevelopment agencies (CRAs), and commissioners of community development districts are required to receive a total of four hours training, per calendar year, in the area of ethics, public

records, and open meetings. The Commission on Ethics does not track compliance or certify providers. Officials indicate their compliance with the training requirement when they file their annual Form 1 or Form 6.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff.

Filing a complaint:

In order to file a complaint, you must use the Commission's complaint form, (FEC Form 1) which can be downloaded at the bottom of this webpage. Pursuant to Rule 2B-1.0025, Florida Administrative Code, your complaint must meet the following criteria in order to be considered sufficient.

a. The Commission's complaint form has been used, and all information requested by the form has been provided on the form;
b. A single respondent has been named in the complaint. A complaint cannot be filed against more than one person;
c. The complaint has not been submitted anonymously;
d. All exhibits or attachments referenced in the complaint have been included with the complaint;
e. The complaint was signed by the complainant under oath in the presence of a notary public or other person authorized by law to administer oaths;
f. The complaint contains the original signature of the complainant;
g. The complaint alleges a violation of Chapter 104 or 106, Florida Statutes;
h. The complaint contains specific facts upon which the complainant bases the allegation of a violation of law;
i. The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission; and
j. The complaint is based on personal information or information other than hearsay.

When completed, mail the complaint with your original signature to:

The Florida Elections Commission

107 West Gaines Street
Suite 224, Collins Building
Tallahassee, FL 32399-1050

The Commission will not accept faxed or emailed complaints because an original signature is required.

Filing More Than One Complaint

If you file more than one complaint against the same person, the Commission is barred from investigating the second complaint if it is based upon facts or allegations that were raised or could have been raised in the first complaint. See Section 106.25(2), Florida Statutes, and Rule 2B-1.0025(3), Florida Administrative Code.

Confidentiality & Complaints

Every sworn complaint filed with the Commission is exempt from the Public Records Law, unless the person against whom the complaint is filed submits a written waiver of confidentiality to the Commission Clerk. However, confidentiality provisions do not bind the person who filed the complaint or the person against whom the complaint is filed. See Section 106.25(7), Florida Statutes.

Within five working days of receiving the complaint, Commission staff will review the complaint to ensure that it meets all of the requirements of (a)-(f) listed above. If the complaint does not comply with any of those requirements or is otherwise incomplete, Commission staff will return it to the complainant and identify the defect(s), which the complainant may then attempt to cure by resubmitting the complaint. See Rule 2B-1.0025(1), Florida Administrative Code.

If the complaint is not returned to the complainant as indicated above, within five working days of receiving the complaint, the Commission will mail a copy of the complaint to the person against whom the complaint is filed. The respondent shall have 14 days after receipt of the complaint to file an initial response, and a determination of legal sufficiency of the complaint may not be made during that time period. If the complaint is determined to be legally insufficient, the complainant and the respondent will be notified. The complainant will have 14 days to correct the stated ground of insufficiency using FEC Form 2, which can be found on the "Forms" tab of this web site. If the complainant does not respond or does not provide information that corrects the stated ground of insufficiency, the case will be closed. If the complaint is determined to be legally sufficient, the respondent shall be notified of such finding by letter. See Section 106.25(2), Florida Statutes, and Rule 2B-1.0025(2)-(5), Florida Administrative Code. Once a complaint is determined to be legally sufficient, an investigation of the complaint will be conducted by the Commission staff. For more information on the details of this process, see Section 106.25, Florida Statutes.

Effective August 22, 2017, all complaints must be submitted on FEC Form 1, available below.

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, FL 32399-1050

COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

1. PERSON BRINGING COMPLAINT:

Name: _____ Work Phone: (____)_____

Address: _____ Home Phone: (____)_____

City: _____ County: _____ State: _____ Zip Code: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: _____

Address:_____ Phone: (____)_____

City: _____ County: _____ State: _____ Zip Code: _____

If individual is a candidate, list the office or position sought: _____

Have you filed this complaint with the State Attorney's Office? (check one) ☐ Yes ☐ No

Are you alleging a violation of Section 104.271(2), F.S.? (check one) ☐ Yes ☐ No

Are you alleging a violation of Section 104.2715, F.S.? (check one) ☐ Yes ☐ No

3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

4. OATH:

STATE OF FLORIDA
COUNTY OF _____

I swear or affirm that the above information is true and correct to the best of my knowledge.

_____
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this _____day of
_____, 20 ____

_____
Signature of Officer Authorized to Administer Oaths or Notary Public

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known_____ Or Produced Identification_____
Type of Identification Produced_____

5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:

- You **MUST submit this** completed complaint **form** in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY.** If you wish to file against multiple parties, you **MUST** submit a complaint form **for each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments **to each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.

The Florida Election Code

Chapters 97 –106, Florida Statutes

(Includes changes enacted after the 2023 Legislative Session)

FLORIDA
DIVISION OF
ELECTIONS

(Publication made available pursuant to section 97.025, Fla. Stat.

Statutory text and index compiled by the Division of Law Revision, Florida Legislature)

TITLE IX

ELECTORS AND ELECTIONS

CHAPTER 97

QUALIFICATION AND REGISTRATION OF ELECTORS

PART I GENERAL PROVISIONS (ss. 97.011-97.0291)

PART II FLORIDA VOTER REGISTRATION ACT (ss. 97.032-97.105)

PART I

GENERAL PROVISIONS

97.011 Short title.
97.0115 Preemption.
97.012 Secretary of State as chief election officer.
97.021 Definitions.
97.022 Office of Election Crimes and Security; creation; purpose and duties.
97.023 Procedures on complaints of violations.
97.025 Election Code; copies thereof.
97.026 Forms to be available in alternative formats and via the Internet.
97.028 Procedures on complaints of violations of Title III of the Help America Vote Act of 2002.
97.029 Civil actions challenging the validity of election laws.
97.0291 Prohibition on use of private funds for election-related expenses.

97.011 Short title.—Chapters 97-106 inclusive shall be known and may be cited as "The Florida Election Code."

History.—s. 1, ch. 26870, 1951; s. 1, ch. 65-60; s. 1, ch. 77-175.

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

History.—s. 1, ch. 2010-167.

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

(1) Obtain and maintain uniformity in the interpretation and implementation of the election laws. In order to obtain and maintain uniformity in the interpretation and implementation of the election laws, the Department of State may, pursuant to ss. 120.536(1) and 120.54, adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws by administrative rule of the Department of State adopted pursuant to ss. 120.536(1) and 120.54.

(3) Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.

(4) Provide technical assistance to the supervisors of elections on voter education and election personnel training services.

(5) Provide technical assistance to the supervisors of elections on voting systems.

(6) Provide voter education assistance to the public.

(7) Coordinate the state's responsibilities under the National Voter Registration Act of 1993.

(8) Provide training to all affected state agencies on the necessary procedures for proper implementation of this chapter.

(9) Ensure that all registration applications and forms prescribed or approved by the department are in compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993.

(10) Coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter registration in a manner consistent with the procedures set forth in this code for voter registration agencies.

(11) Create and administer a statewide voter registration system as required by the Help America Vote Act of 2002. The secretary may delegate voter registration duties and records maintenance activities to voter registration officials. Any responsibilities delegated by the secretary shall be performed in accordance with state and federal law.

(12) Maintain a voter fraud hotline and provide election fraud education to the public.

(13) Designate an office within the department to be responsible for providing information regarding voter registration procedures and vote-by-mail ballot procedures to absent uniformed services voters and overseas voters.

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time

period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

(15) Conduct preliminary investigations into any irregularities or fraud involving voter registration, voting, candidate petition, or issue petition activities and report his or her findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, if warranted. The Department of State may prescribe by rule requirements for filing an elections-fraud complaint and for investigating any such complaint.

(16) Provide written direction and opinions to the supervisors of elections on the performance of their official duties with respect to the Florida Election Code or rules adopted by the Department of State.

(17) Provide mandatory formal signature matching training to supervisors of elections and county canvassing board members. Any person whose duties require verification of signatures must undergo signature matching training. The department shall adopt rules governing signature matching procedures and training.

History.—s. 1, ch. 75-98; s. 21, ch. 84-302; s. 2, ch. 89-348; s. 1, ch. 90-315; s. 2, ch. 94-224; s. 1381, ch. 95-147; s. 34, ch. 97-13; s. 1, ch. 98-129; s. 1, ch. 2003-415; s. 1, ch. 2005-277; s. 1, ch. 2005-278; s. 1, ch. 2008-95; s. 1, ch. 2011-40; s. 1, ch. 2016-37; s. 1, ch. 2019-162; s. 1, ch. 2023-120.

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

(1) "Absent elector" means any registered and qualified voter who casts a vote-by-mail ballot.

(2) "Absent uniformed services voter" means:

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

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

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

(3) "Address of legal residence" means the legal residential address of the elector and includes all information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier.

(4) "Alternative formats" has the meaning ascribed in the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated thereunder, as amended.

(5) "Automatic tabulating equipment" means an apparatus that automatically examines, counts, and records votes.

(6) "Ballot" or "official ballot" when used in reference to:

(a) "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(b) "Marksense ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(7) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(8) "Department" means the Department of State.

(9) "Division" means the Division of Elections of the Department of State.

(10) "Early voting" means casting a ballot prior to election day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation system.

(11) "Early voting area" means the area designated by the supervisor of elections at an early voting site at which early voting activities occur, including, but not limited to, lines of voters waiting to be processed, the area where voters check in and are processed, and the area where voters cast their ballots.

(12) "Early voting site" means those locations specified in s. 101.657 and the building in which early voting occurs.

(13) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

(14) "Election board" means the clerk and inspectors appointed to conduct an election.

(15) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot

cards, ballot booklets for vote-by-mail voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with vote-by-mail ballot preparation, poll workers, and election night canvass.

(16) "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(17) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(18) "Lists of registered electors" means names and associated information of registered electors maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format.

(19) "Member of the Merchant Marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:

(a) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(b) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.

(20) "Minor political party" is any group as specified in s. 103.095 which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state.

(21) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(22) "Nominal value" means having a retail value of $10 or less.

(23) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(24) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(25) "Overseas voter" means:

(a) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(26) "Overvote" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.

(27) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(28) "Petition circulator" means an entity or individual who collects signatures for compensation for the purpose of qualifying a proposed constitutional amendment for ballot placement.

(29) "Polling place" is the building which contains the polling room where ballots are cast.

(30) "Polling room" means the actual room in which ballots are cast on election day and during early voting.

(31) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.

(32) "Provisional ballot" means a conditional ballot, the validity of which is determined by the canvassing board.

(33) "Public assistance" means assistance provided through the food assistance program under the federal Supplemental Nutrition Assistance Program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the Temporary Cash Assistance Program.

(34) "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(35) "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.

(36) "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(37) "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(38) "Supervisor" means the supervisor of elections.

(39) "Tactile input device" means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(k) and (l).

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

(a) A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or

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

(41) "Undervote" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.

(42) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(43) "Voter interface device" means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues. A voter interface device may not be used to tabulate votes. Any vote tabulation must be based upon a subsequent scan of the marked marksense ballot or the voter-verifiable paper output after the voter interface device process has been completed.

(44) "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(45) "Voter registration official" means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

(46) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot for tabulation by an electronic or electromechanical device.

(47) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, supplies, printouts, and other software necessary for the system's operation.

History.—s. 2, ch. 6469, 1913; RGS 300; s. 1, ch. 8582, 1921; CGL 356; s. 1, ch. 13761, 1929; s. 1, ch. 18060, 1937; s. 1, ch. 19663, 1939; s. 1, ch. 26870, 1951; s. 1, ch. 28156, 1953; s. 1, ch. 61-370; s. 2, ch. 65-60; s. 1, ch. 67-32; s. 2, ch. 67-142; s. 2, ch. 67-386; s. 1, ch. 69-137; s. 1, ch. 69-280; s. 1, ch. 69-377; s. 1, ch. 70-269; s. 1, ch. 70-439; s. 1, ch. 71-206; s. 1, ch. 73-157; s. 31, ch. 73-333; s. 23, ch. 77-104; s. 1, ch. 77-175; s. 1, ch. 79-157; s. 24, ch. 79-400; s. 1, ch. 81-105; s. 15, ch. 82-143; s. 22, ch. 84-302; s. 1, ch. 87-184; ss. 5, 12, ch. 87-363; s. 1, ch. 89-338; s. 3, ch. 89-348; s. 2, ch. 90-315; s. 3, ch. 94-224; s. 1382, ch. 95-147; s. 1, ch. 96-57; s. 54, ch. 96-175; s. 1, ch. 96-327; s. 35, ch. 97-13; s. 3, ch. 98-129; ss. 2, 34, ch. 2001-40; s. 4, ch. 2002-281; s. 2, ch. 2003-415; s. 9, ch. 2004-252; s. 2, ch. 2005-277; s. 2, ch. 2005-278; s. 2, ch. 2005-286; s. 1, ch. 2007-30; s. 2, ch. 2010-167; s. 1, ch. 2010-209; s. 2, ch. 2011-40; s. 1, ch. 2016-23; s. 2, ch. 2016-37; s. 2, ch. 2019-64; s. 2, ch. 2019-162; s. 1, ch. 2020-109; s. 3, ch. 2022-183; s. 22, ch. 2023-8.

Note.—Former s. 102.02.

97.022 Office of Election Crimes and Security; creation; purpose and duties.—

(1) The Office of Election Crimes and Security is created within the Department of State. The purpose of the office is to aid the Secretary of State in completion of his or her duties under s. 97.012(12) and (15) by:

(a) Receiving and reviewing notices and reports generated by government officials or any other person regarding alleged occurrences of election law violations or election irregularities in this state.

(b) Initiating independent inquiries and conducting preliminary investigations into allegations of election law violations or election irregularities in this state.

(2) The office may review complaints and conduct preliminary investigations into alleged violations of the Florida Election Code or any rule adopted pursuant thereto and any election irregularities.

(3) The secretary shall appoint a director of the office.

(4) The office shall be based in Tallahassee and shall employ nonsworn investigators to conduct any investigations. The positions and resources necessary for the office to accomplish its duties shall be established through and subject to the legislative appropriations process.

(5) The office shall oversee the department's voter fraud hotline.

(6) This section does not limit the jurisdiction of any other office or agency of the state empowered by law to investigate, act upon, or dispose of alleged election law violations.

(7) By January 15 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing information on investigations of alleged election law violations or election irregularities conducted during the prior calendar year. The report must include the total number of complaints received and independent investigations initiated and the number of complaints referred to another agency for further investigation or prosecution, including the total number of those matters sent to a special officer pursuant to s. 102.091. For each alleged violation or irregularity investigated, the report must include:

(a) The source of the alleged violation or irregularity;

(b) The law allegedly violated or the nature of the irregularity reported;

(c) The county in which the alleged violation or irregularity occurred;

(d) Whether the alleged violation or irregularity was referred to another agency for further investigation or prosecution and, if so, to which agency; and

(e) The current status of the investigation or resulting criminal case.

History.—s. 3, ch. 2022-73.

97.023 Procedures on complaints of violations.

(1)(a) Any person who is aggrieved by a violation of either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code may file a written complaint with the department, which shall serve as notice to the Secretary of State.

(b) A complaint must state the alleged violation and the person or entity responsible, who must be the department, a voter registration agency, a supervisor, the Department of Highway Safety and Motor Vehicles, or an Armed Forces Recruitment Center. If the department determines that a complaint fails to allege both a violation and a person or entity responsible for the violation, the department shall inform the complainant that he or she has not given sufficient notice and the steps that must be taken in order to give proper notice.

(c) For the purposes of this section, a violation of either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code is the failure to perform an act required or the performance of an act prohibited by either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

(d) The department has primary jurisdiction over complaints filed under the provisions of this section.

(2) When a complaint is filed with the department, the parties to the complaint must be given the opportunity to resolve the complaint through an informal dispute resolution process to be established by the department. This process must provide for:

(a) A time limitation of 30 days on the process, unless the alleged violation occurred within 120 days before the date of an election, in which case there must be a time limitation of 20 days;

(b) A mediator provided by the department, who may be a department employee unless the department is alleged to be responsible for the violation, in which case the Governor must appoint a mediator who is not a department employee;

(c) Notice to a complainant;

(d) Notice to a respondent of the allegations filed against him or her in the complaint;

(e) An opportunity for the parties to submit written statements, present oral argument either in person or by telephone, and present evidence; and

(f) A written statement by the mediator to the department stating the outcome of the dispute resolution process.

(3) If an alleged violation occurred within 30 days before the date of a state or federal election and the alleged violation will affect the registrant's right to vote in that election, the complainant may immediately bring an action in the circuit court in the county where the alleged violation occurred. Otherwise, the following are conditions precedent for a complainant to bring an action for declaratory or injunctive relief in the circuit court in the county where the alleged violation occurred:

(a) The complainant gave proper written notice of the alleged violation to the Secretary of State;

(b) The complainant participated in the informal dispute resolution process; and

(c) An agreement is not reached or an alleged violation is not corrected within 90 days after receipt of notice or 20 days after receipt of notice if the alleged violation occurred within 120 days before the date of an election.

History.—s. 4, ch. 94-224; s. 1383, ch. 95-147.

97.025 Election Code; copies thereof.—A pamphlet of a reprint of the Election Code, adequately indexed, shall be prepared by the Department of State. The pamphlet shall be made available to each candidate who qualifies with the department. The pamphlet shall be made available to each supervisor, prior to the first day of qualifying, so that each candidate who qualifies with the supervisor and each clerk of elections have access to the pamphlet. The cost of making the pamphlets available shall be paid out of funds appropriated for conducting elections.

History.—s. 38, ch. 3879, 1889; RS 192; s. 69, ch. 4328, 1895; GS 253; RGS 297; CGL 353; s. 2, ch. 26870, 1951; s. 17, ch. 65-134; ss. 10, 35, ch. 69-106; s. 5, ch. 77-175; s. 2, ch. 79-365; s. 5, ch. 94-224; s. 3, ch. 2011-40.

Note.—Former s. 99.54; s. 98.251.

97.026 Forms to be available in alternative formats and via the Internet.—It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include vote-by-mail ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. Whenever possible, such forms, with the exception of vote-by-mail ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

History.—s. 5, ch. 2002-281; s. 3, ch. 2005-278; s. 24, ch. 2012-116; s. 3, ch. 2016-37.

97.028 Procedures on complaints of violations of Title III of the Help America Vote Act of 2002.—

(1)(a) Any person who believes that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur may file a complaint with the department.

(b) The complaint must be in writing and must be signed and sworn to before a notary by the person filing the complaint. Further, the complaint must state the alleged violation and the person or entity responsible for the violation. The department shall prescribe the form for complaints filed under this section. If the department determines that the complaint fails to allege both a violation and a person or entity responsible for the violation, or that the complaint is not properly executed, the department shall inform the complainant in writing that the complaint is legally insufficient.

(c) For purposes of this section, a violation of Title III of the Help America Vote Act of 2002 is the failure to perform an act required or the performance of an act prohibited by Title III of the Help America Vote Act of 2002 by a covered person or entity.

(d) The department shall have sole jurisdiction over complaints filed under the provisions of this section.

(e) This section provides the sole avenue of redress for alleged violations of Title III of the Help America Vote Act of 2002 and does not give rise to any other cause of action.

(f) The department may consolidate complaints filed under this section.

(g) All proceedings under this section are exempt from chapter 120.

(2)(a) When a legally sufficient complaint is filed with the department, the agency head shall designate a hearing officer who shall:

1. Provide the subject of the complaint with a copy of the complaint. The subject of the complaint shall, within 10 days after receipt of the complaint, file with the department a written, sworn response to the complaint.

2. Upon receipt of the response, the hearing officer shall review both sworn filings to determine whether a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur. The complaint and the response shall constitute the official hearing record to be considered by the hearing officer. The hearing officer shall provide the complainant with a copy of the response.

3. At the hearing officer's discretion, the complainant and the respondent may be ordered by the hearing officer to provide additional sworn oral or written statements or additional documents to assist the hearing officer in making his or her determination. Further, other relevant witnesses may also be ordered by the hearing officer to give sworn testimony or to provide relevant documents to assist the hearing officer in making his or her determination. Any such statements or documents received by the hearing officer shall also become part of the official hearing record. For purposes of this section, the hearing officer is authorized to administer oaths and to issue subpoenas.

4. The hearing officer shall advise both the complainant and respondent in writing of their determination. If the hearing officer determines that no violation has occurred, is occurring, or is about to occur, the department shall dismiss the complaint and publish its determination. If the hearing officer determines that a violation of Title III of the Help America Vote Act has occurred, is occurring, or is about to occur, the department shall issue and deliver an order directing the appropriate remedy to persons responsible for effecting such remedy. The issuance of an order does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For purposes of enforcing the order, the department may initiate a proceeding in the name of the state seeking issuance of an injunction, a writ of mandamus, or other equitable remedy against any person who violates any provision of such order.

5. The department shall make a final determination with respect to the complaint within 90 days after the date that the complaint was filed, unless the complainant consents to a longer period for making such a determination.

(b) If the department fails to meet the deadline established in subparagraph (a)5., the complaint shall be forwarded to mediation. Mediation shall occur within 60 days after the department's failure to make a determination within the timeframe established in subparagraph (a)5. The record created under this section shall be made available for use in the mediation.

History.—s. 5, ch. 2003-415.

97.029 Civil actions challenging the validity of election laws.—

(1) In a civil action challenging the validity of a provision of the Florida Election Code in which a state or county agency or officer is a party in state or federal court, the officer, agent, official, or attorney who represents or is acting on behalf of such agency or officer may not settle such action, consent to any condition, or agree to any order in connection therewith if the settlement, condition, or order nullifies, suspends, or is in conflict with any provision of the Florida Election Code, unless:

(a) At the time settlement negotiations have begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(b) Any proposed settlement, consent decree, or order that is proposed or received and would nullify, suspend, or conflict with any provision of the Florida Election Code is promptly reported in writing to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(c) At least 10 days before the date a settlement or presettlement agreement or order is to be made final, written notification is given to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(2) If any notification required by this section is precluded by federal law, federal regulation, court order, or court rule, the officer, agent, official, or attorney representing such agency or officer, or the Attorney General, shall challenge the constitutionality of such preclusion in the civil suit affected and give prompt notice thereof to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(3) If, after a court has entered an order or judgment that nullifies or suspends, or orders or justifies official action that is in conflict with, a provision of the Florida Election Code, the Legislature amends the general law to remove the invalidity or unenforceability, the officer, agent, official, or attorney who represents or is acting on behalf of the agency or officer bound by such order or judgment must promptly after such amendment of the general law move to dismiss or otherwise terminate any ongoing jurisdiction of such case.

History.—s. 1, ch. 2021-11.

97.0291 Prohibition on use of private funds for election-related expenses.—No agency or state or local official responsible for conducting elections, including, but not limited to, a supervisor of elections, may solicit, accept, use, or dispose of any donation in the form of money, grants, property, or personal services from an individual or a nongovernmental entity for the purpose of funding any type of expenses related to election administration, including, but not limited to, voter education, voter outreach, voter registration programs, or the cost of any litigation related to election administration. This section does not prohibit the donation and acceptance of space to be used for a polling room or an early voting site.

History.—s. 2, ch. 2021-11; s. 4, ch. 2022-73.

PART II

FLORIDA VOTER REGISTRATION ACT

97.032 Short title.
97.041 Qualifications to register or vote.
97.051 Oath upon registering.
97.052 Uniform statewide voter registration application.
97.0525 Online voter registration.
97.053 Acceptance of voter registration applications.
97.0535 Special requirements for certain applicants.
97.055 Registration books; when closed for an election.
97.0555 Late registration.
97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.
97.0575 Third-party voter registration organizations.
97.058 Voter registration agencies.
97.0583 Voter registration at qualifying educational institutions.
97.05831 Voter registration applications made available to the Fish and Wildlife Conservation Commission.
97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.
97.061 Special registration for electors requiring assistance.
97.071 Voter information card.
97.073 Disposition of voter registration applications; cancellation notice.
97.1031 Notice of change of residence, change of name, or change of party affiliation.
97.105 Permanent single registration system established.

97.032 Short title.—This part may be cited as the "Florida Voter Registration Act."

History.—s. 7, ch. 94-224.

97.041 Qualifications to register or vote.—

(1)(a) A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

(b) A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

History.—ss. 1, chs. 3850, 3879, 1889; RS 154; s. 1, ch. 4328, 1895; GS 170; RGS 215; s. 1, ch. 8583, 1921; CGL 248; s. 1, ch. 26870, 1951; s. 2, ch. 28156, 1953; s. 1, ch. 63-408; s. 3, ch. 65-60; s. 1, ch. 67-67; ss. 1, 4, ch. 71-108; s. 1, ch. 72-197; s. 2, ch. 73-157; s. 31, ch. 73-333; s. 1, ch. 74-5; s. 1, ch. 77-175; s. 2, ch. 89-338; s. 8, ch. 94-224; s. 12, ch. 2007-30; s. 2, ch. 2008-95.

Note.—Former s. 98.01.

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information provided in this application is true."

History.—s. 7, ch. 3879, 1889; RS 161; s. 8, ch. 4328, 1895; GS 178; RGS 222; CGL 257; s. 4, ch. 25383, 1949; s. 1, ch. 26870, 1951; s. 3, ch. 69-280; ss. 2, 4, ch. 71-108; s. 1, ch. 72-63; s. 2, ch. 77-175; s. 1, ch. 81-304; s. 9, ch. 94-224; s. 3, ch. 2005-277; s. 4, ch. 2005-278.

Note.—Former s. 98.11.

97.052 Uniform statewide voter registration application.—

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

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

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.
5. Replacement of a voter information card.
6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Election Assistance Commission pursuant to federal law. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote or update a voter registration record.
2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed forces recruitment offices.
6. Qualifying educational institutions.
7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

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

(c) The uniform statewide voter registration application may be reproduced by any private individual or

group, provided the reproduced application is in the same format as the application prescribed by rule under this section.

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

(a) Last, first, and middle name, including any suffix.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) E-mail address and whether the applicant wishes to receive sample ballots by e-mail.

(f) County of legal residence.

(g) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.
2. Asian or Pacific Islander.
3. Black, not Hispanic.
4. White, not Hispanic.
5. Hispanic.

(h) State or country of birth.

(i) Sex.

(j) Party affiliation.

(k) Whether the applicant needs assistance in voting.

(l) Name and address where last registered.

(m) Last four digits of the applicant's social security number.

(n) Florida driver license number or the identification number from a Florida identification card issued under s. 322.051.

(o) An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida identification card, or a social security number.

(p) Telephone number (optional).

(q) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(r) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information card.

(s) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(t) Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored by including the statement "I affirm that I am not a convicted felon or, if I am, my right to vote has been restored." and providing a box for the applicant to check to affirm the statement.

(u) Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting, or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement. The registration application must be in plain language and designed so that persons who have been adjudicated mentally incapacitated are not required to reveal their prior adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(f) A statement informing an applicant who has not been issued a Florida driver license, a Florida identification card, or a social security number that if the application is submitted by mail and the applicant is registering for the first time in this state, the applicant will be required to provide identification prior to voting the first time.

(g) A statement informing the applicant that if the application is being collected by a third-party voter registration organization, the organization might not deliver the application to the division or the supervisor in the county in which the applicant resides in less than 10 days or before registration closes for the next ensuing election, and that the applicant may instead elect to deliver the application in person or by mail or choose to register online. The statement must further inform the applicant how to determine whether the application has been delivered.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the Election Assistance Commission pursuant to federal law or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

History.—s. 5, ch. 25391, 1949; s. 2, ch. 26870, 1951; s. 1, ch. 59-231; s. 8, ch. 65-134; s. 1, ch. 67-170; s. 8, ch. 69-377; ss. 10, 35, ch. 69-106; s. 2, ch. 72-63; s. 5, ch. 77-175; s. 23, ch. 84-302; s. 6, ch. 89-338; s. 10, ch. 94-224; s. 2, ch. 96-327; s. 26, ch. 97-13; s. 4, ch. 98-129; ss. 1, 7, ch. 2002-189; s. 3, ch. 2003-415; s. 4, ch.

2005-277; s. 5, ch. 2005-278; s. 1, ch. 2013-192; s. 21, ch. 2019-162; s. 3, ch. 2021-11; s. 5, ch. 2022-73; s. 2, ch. 2023-120.
Note.—Former s. 97.05; s. 98.111.

97.0525 Online voter registration.—

(1) An applicant may submit an online voter registration application using the procedures set forth in this section.

(2) The division shall establish and maintain a secure Internet website that safeguards an applicant's information to ensure data integrity and permits an applicant to:

(a) Submit a voter registration application, including first-time voter registration applications and updates to current voter registration records.

(b) Submit information necessary to establish an applicant's eligibility to vote, pursuant to s. 97.041, which includes the information required for the uniform statewide voter registration application pursuant to s. 97.052(2).

(c) Swear to the oath required pursuant to s. 97.051.

(3)(a) The online voter registration system shall comply with the information technology security provisions of s. 282.318 and shall use a unique identifier for each applicant to prevent unauthorized persons from altering a voter's registration information.

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system every 2 years. The comprehensive risk assessment must comply with the risk assessment methodology developed by the Department of Management Services for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards. In addition, the comprehensive risk assessment must incorporate all of the following:

1. Load testing and stress testing to ensure that the online voter registration system has sufficient capacity to accommodate foreseeable use, including during periods of high volume of website users in the week immediately preceding the book-closing deadline for an election.

2. Screening of computers and networks used to support the online voter registration system for malware and other vulnerabilities.

3. Evaluation of database infrastructure, including software and operating systems, in order to fortify defenses against cyberattacks.

4. Identification of any anticipated threats to the security and integrity of data collected, maintained, received, or transmitted by the online voter registration system.

(4)(a) The online voter registration system shall compare the Florida driver license number or Florida identification number submitted pursuant to s. 97.052(2)(n) with information maintained by the Department of Highway Safety and Motor Vehicles to confirm that the name and date of birth on the application are consistent with the records of the Department of Highway Safety and Motor Vehicles.

(b) If the applicant's name and date of birth are consistent with the records of the Department of Highway Safety and Motor Vehicles, the online voter registration system shall transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the digital signature of the applicant on file with the Department of Highway Safety and Motor Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement of s. 97.052(2)(q).

(c) If the applicant's name and date of birth cannot be verified by the records of the Department of Highway Safety and Motor Vehicles, or if the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card, the online voter registration system shall populate the applicant's information into a printable voter registration application pursuant to s. 97.052(2) and direct the applicant to print, sign, and date the application and deliver the application to the supervisor of elections for disposition pursuant to s. 97.073.

(5) Upon submission of a completed online voter registration application, the website must generate an immediate electronic confirmation that the supervisor of elections has received the application and provide instructions regarding the ability of a registrant to check the status of the application thereafter.

(6) Except as otherwise provided in this section, the supervisor of elections shall process the application pursuant to s. 97.053.

(7) The online voter registration system must conform to nationally accepted standards for accessibility for individuals with disabilities, including s. 508 of the Rehabilitation Act of 1973, s. 255 of the Telecommunications Act of 1996, and the Web Content Accessibility Guidelines of the World Wide Web Consortium, to ensure equal access for voters with disabilities.

(8) A legal distinction may not be made between online voter registration under this section and voter registration in person, by mail, or by other methods provided by general law.
History.—s. 1, ch. 2015-36; s. 15, ch. 2019-118; s. 4, ch. 2021-11.

97.053 Acceptance of voter registration applications.—

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

(2) A voter registration application is complete and becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6). If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date that the application is received by a driver license office, a voter registration agency, an armed

forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of that postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the application is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.

2. The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.

3. The applicant's date of birth.

4. A mark in the checkbox affirming that the applicant is a citizen of the United States.

5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her voting rights restored.

7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

(6) A voter registration application, including an application with a change in name, address, or party affiliation, may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the number cannot be verified and that the applicant must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits of the social security number. If the applicant provides the necessary evidence, the supervisor shall place the applicant's name on the registration rolls as an active voter. If the applicant has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the number is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits of the social security number no later than 5 p.m. of the second day following the election.

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

History.—s. 11, ch. 94-224; s. 27, ch. 97-13; s. 5, ch. 98-129; s. 4, ch. 2003-415; s. 5, ch. 2005-277; s. 6, ch. 2005-278; s. 13, ch. 2007-30; s. 3, ch. 2008-95; s. 2, ch. 2016-23; s. 22, ch. 2019-162; s. 15, ch. 2020-2; s. 5, ch. 2021-11.

97.0535 Special requirements for certain applicants.—

(1) Each applicant who registers by mail and who has never previously voted in the state and who the department has verified has not been issued a current and valid Florida driver license, Florida identification card, or social security number shall be required to provide a copy of a current and valid identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. Such identification or indication may be provided at the time of registering, or at any time prior to voting for the first time in the state. If the voter registration application clearly provides information from which a voter registration official can determine that the applicant meets at least one of the exemptions in subsection (4), the voter registration official shall make the notation on the registration records of the statewide voter registration

system and the applicant shall not be required to provide the identification required by this section.

(2) The voter registration official shall, upon accepting the voter registration application submitted pursuant to subsection (1), determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the state.

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

1. United States passport.
2. Debit or credit card.
3. Military identification.
4. Student identification.
5. Retirement center identification.
6. Neighborhood association identification.
7. Public assistance identification.
8. Veteran health identification card issued by the United States Department of Veterans Affairs.
9. A license to carry a concealed weapon or firearm issued pursuant to s. 790.06.
10. Employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.
2. Bank statement.
3. Government check.
4. Paycheck.
5. Other government document (excluding voter identification card).

(4) The following persons are exempt from the identification requirements of this section:

(a) Persons 65 years of age or older.

(b) Persons with a temporary or permanent physical disability.

(c) Members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day.

(d) Members of the Merchant Marine who, by reason of service in the Merchant Marine, are absent from the county on election day.

(e) The spouse or dependent of a member referred to in paragraph (c) or paragraph (d) who, by reason of the active duty or service of the member, is absent from the county on election day.

(f) Persons currently residing outside the United States who are eligible to vote in Florida.

History.—s. 6, ch. 2003-415; s. 7, ch. 2005-278; s. 4, ch. 2008-95; s. 1, ch. 2016-167.

97.055 Registration books; when closed for an election.—

(1)(a) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately.

(b) Except as provided in paragraph (c), when the registration books are closed for an election, updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 shall be the only changes permitted for purposes of the upcoming election. New voter registration applications must be accepted but only for the purpose of subsequent elections.

(c) When the registration books are closed for an upcoming election, an update or change to a voter's party affiliation made pursuant to s. 97.1031 shall be permitted for that upcoming election unless such election is for the purpose of nominating a political party nominee, in which case the update or change shall be permitted only for the purpose of subsequent elections.

(2) In computing the 29-day period for the closing of the registration books, the day of the election is excluded and all other days are included. If the 29th day preceding an election falls on a Sunday or a legal holiday, the registration books must be closed on the next day that is not a Sunday or a legal holiday.

History.—s. 2, ch. 25391, 1949; s. 2, ch. 26870, 1951; s. 5, ch. 29934, s. 1, ch. 29761, 1955; s. 3, ch. 65-134; s. 2, ch. 67-530; s. 1, ch. 71-124; ss. 7, 8, ch. 72-63; s. 4, ch. 74-5; s. 1, ch. 77-174; s. 5, ch. 77-175; s. 7, ch. 80-292; s. 5, ch. 81-304; s. 1, ch. 83-25; s. 27, ch. 84-302; s. 11, ch. 85-80; s. 6, ch. 89-338; s. 12, ch. 94-224; s. 6, ch. 2005-277; s. 8, ch. 2005-278; s. 3, ch. 2005-286; s. 5, ch. 2008-95.

Note.—Former s. 97.02; s. 98.051.

97.0555 Late registration.—An individual or accompanying family member who has been discharged or separated from the uniformed services or the United States Merchant Marine, has returned from a military deployment or activation, or has separated from employment outside the territorial limits of the United States, after the book-closing date for an election pursuant to s. 97.055 and who is otherwise qualified may register to vote in such election until 5 p.m. on the Friday before that election in the office of the supervisor of elections. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section.

History.—s. 47, ch. 2001-40; s. 1, ch. 2002-17; s. 25, ch. 2012-116; s. 1, ch. 2013-57.

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

(a) Apply for or renew a driver license;

(b) Apply for or renew an identification card pursuant to chapter 322; or

(c) Change an address on an existing driver license or identification card.

(2) The Department of Highway Safety and Motor Vehicles shall:

(a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;
2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;
3. Information provided can also be used to update a voter registration record;

4. All declinations will remain confidential and may be used only for voter registration purposes; and

5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver license examiner to inquire orally or, if the applicant is hearing impaired, inquire in writing whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.

b. The additional necessary information must be obtained by the driver license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).

c. A voter registration application with all of the applicant's voter registration information required to establish the applicant's eligibility pursuant to s. 97.041 must be presented to the applicant to review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must note such declination on its records and shall forward the declination to the statewide voter registration system.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must electronically transmit completed voter registration applications within 24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

(7) The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Election Assistance Commission pursuant to federal law.

(8) The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

(9) The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the statewide voter registration system by the Department of Highway Safety and Motor Vehicles. These records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the statewide voter registration system and the Department of Highway Safety and Motor Vehicles.

(10) The department shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the address of legal residence as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor Vehicles shall not reject any application for voter registration for which a valid match cannot be made.

(11) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the department to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.

(12) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of

the social security number provided in applications for voter registration as required in s. 97.053.

(13) The Department of Highway Safety and Motor Vehicles must assist the Department of State in regularly identifying changes in residence address on the driver license or identification card of a voter. The Department of State must report each such change to the appropriate supervisor of elections who must change the voter's registration records in accordance with s. 98.065(4).

History.—s. 13, ch. 94-224; s. 2, ch. 2002-189; s. 9, ch. 2005-278; s. 3, ch. 2016-23; s. 6, ch. 2021-11; s. 6, ch. 2022-73; s. 3, ch. 2023-120.

97.0575 Third-party voter registration organizations.—

(1) Before engaging in any voter registration activities, a third-party voter registration organization must register and provide to the division, in an electronic format, the following information:

(a) The names of the officers of the organization and the name and permanent address of the organization.

(b) The name and address of the organization's registered agent in the state.

(c) The names, permanent addresses, and temporary addresses, if any, of each registration agent registering persons to vote in this state on behalf of the organization. This paragraph does not apply to persons who only solicit applications and do not collect or handle voter registration applications.

(d) Beginning November 6, 2024, the specific general election cycle for which the third-party voter registration organization is registering persons to vote.

(e) An affirmation that each person collecting or handling voter registration applications on behalf of the third-party voter registration organization has not been convicted of a felony violation of the Election Code, a felony violation of an offense specified in s. 825.103, a felony offense specified in s. 98.0751(2)(b) or (c), or a felony offense specified in chapter 817, chapter 831, or chapter 837. A third-party voter registration organization is liable for a fine in the amount of $50,000 for each such person who has been convicted of a felony violation of the Election Code, a felony violation of an offense specified in s. 825.103, a felony offense specified in s. 98.0751(2)(b) or (c), or a felony offense specified in chapter 817, chapter 831, or chapter 837 who is collecting or handling voter registration applications on behalf of the third-party voter registration organization.

(f) An affirmation that each person collecting or handling voter registration applications on behalf of the third-party voter registration organization is a citizen of the United States of America. A third-party voter registration organization is liable for a fine in the amount of $50,000 for each such person who is not a citizen and is collecting or handling voter registration applications on behalf of the third-party voter registration organization.

(2) Beginning November 6, 2024, the registration of a third-party voter registration organization automatically expires at the conclusion of the specific general election cycle for which the third-party voter registration organization is registered.

(3) The division or the supervisor of elections shall make voter registration forms available to third-party voter registration organizations. All such forms must contain information identifying the organization to which the forms are provided. The division shall maintain a database of all third-party voter registration organizations and the voter registration forms assigned to the third-party voter registration organization. Each supervisor of elections shall provide to the division information on voter registration forms assigned to and received from third-party voter registration organizations. The information must be provided in a format and at times as required by the division by rule. The division shall update information on third-party voter registrations daily and make the information publicly available.

(4) A third-party voter registration organization that collects voter registration applications shall provide a receipt to an applicant upon accepting possession of his or her application. The division shall adopt by rule a uniform format for the receipt by October 1, 2023. The format must include, but need not be limited to, the name of the applicant, the date the application is received, the name of the third-party voter registration organization, the name of the registration agent, the applicant's political party affiliation, and the county in which the applicant resides.

(5)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant and shall ensure that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, is promptly delivered to the division or the supervisor of elections in the county in which the applicant resides within 10 days after the application is completed by the applicant, but not after registration closes for the next ensuing election. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections in the county in which the applicant resides, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of $50 per each day late, up to $2,500, for each application received by the division or the supervisor of elections in the county in which the applicant resides more than 10 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. A fine in the amount of $2,500 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2. A fine in the amount of $100 per each day late, up to $5,000, for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, before book closing for any given election for federal or state office and received by the division or the supervisor of elections in the county in which the applicant resides after the book-closing deadline for such election. A fine in the amount of $5,000 for each application received if the third-party voter registration organization or any person, entity, or agency acting on its behalf acted willfully.

3. A fine in the amount of $500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections in the county in which the applicant resides. A fine in the amount of $5,000 for any application not submitted if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

The aggregate fine which may be assessed pursuant to this paragraph against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year is $250,000.

(b) A showing by the third-party voter registration organization that the failure to deliver the voter registration application within the required timeframe is based upon force majeure or impossibility of performance shall be an affirmative defense to a violation of this subsection. The secretary may waive the fines described in this subsection upon a showing that the failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance.

(6) If a person collecting voter registration applications on behalf of a third-party voter registration organization alters the voter registration application of any other person, without the other person's knowledge and consent, in violation of s. 104.012(4) and is subsequently convicted of such offense, the applicable third-party voter registration organization is liable for a fine in the amount of $5,000 for each application altered.

(7) If a person collecting voter registration applications on behalf of a third-party voter registration organization copies a voter's application or retains a voter's personal information, such as the voter's Florida driver license number, Florida identification card number, social security number, or signature, for any reason other than to provide such application or information to the third-party voter registration organization in compliance with this section, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) If the Secretary of State reasonably believes that a person has committed a violation of this section, the secretary may refer the matter to the Attorney General for enforcement. The Attorney General may institute a civil action for a violation of this section or to prevent a violation of this section. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

(9) The division shall adopt by rule a form to elicit specific information concerning the facts and circumstances from a person who claims to have been registered to vote by a third-party voter registration organization but who does not appear as an active voter on the voter registration rolls. The division shall also adopt rules to ensure the integrity of the registration process, including controls to ensure that all completed forms are promptly delivered to the division or a supervisor in the county in which the applicant resides.

(10) The date on which an applicant signs a voter registration application is presumed to be the date on which the third-party voter registration organization received or collected the voter registration application.

(11) A third-party voter registration organization may not mail or otherwise provide a voter registration application upon which any information about an applicant has been filled in before it is provided to the applicant. A third-party voter registration organization that violates this section is liable for a fine in the amount of $50 for each such application.

(12) The requirements of this section are retroactive for any third-party voter registration organization registered with the department as of July 1, 2023, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section. Failure of the third-party voter registration organization to comply with the requirements within 90 days after receipt of the notice shall automatically result in the cancellation of the third-party voter registration organization's registration.

History.—s. 7, ch. 2005-277; s. 2, ch. 2007-30; s. 4, ch. 2011-40; s. 7, ch. 2021-11; s. 5, ch. 2022-4; s. 7, ch. 2022-73; s. 4, ch. 2023-120.

97.058 Voter registration agencies.—

(1) Each voter registration agency must provide each applicant the opportunity to register to vote or to update a voter registration record, at the time the applicant applies for services or assistance from that agency, for renewal of such services or assistance, or for a change of address required with respect to the services or assistance.

(2) Each voter registration agency, other than a public library, must develop and provide each applicant with a form approved by the department containing all of the following:

(a) The questions:

1. "If you are not registered to vote where you live now, would you like to apply to register to vote today?"

2. "If you are registered to vote where you live now, would you like to update your voter registration record?"

(b) For agencies providing public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(c) Boxes for the applicant to check which indicate that:

1. The applicant would like to register to vote or update a current voter registration;

2. The applicant would like to decline to register to vote; or

3. The applicant is already registered to vote and does not need to update the voter registration,

together with the statement, "If you do not check any box, you will be considered to have decided not to register to vote or update a voter registration at this time."

(d) The statement, "If you would like help in filling out the voter registration application, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration application in private."

(e) The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right

to choose your own political party or other political preference, you may file a complaint with the Secretary of State."

(f) The address and telephone number of the appropriate office in the department where a complaint may be filed.

(g) A statement that all declinations will remain confidential and may be used only for voter registration purposes.

(h) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(3)(a) A voter registration agency may use the uniform statewide voter registration application or may create and use a voter registration application that meets the requirements of s. 97.052, with the approval of the department.

(b) A voter registration agency must provide to each applicant under subsection (1) the voter registration application that the agency decides to use pursuant to paragraph (a). An applicant who indicates a desire to register to vote or update a voter registration record must be provided the same degree of assistance with regard to the completion of that voter registration application as is provided by the agency with regard to the completion of its own forms, unless the applicant refuses that assistance.

(4) If a voter registration agency provides services to a person with a disability at the person's home, the agency must also provide voter registration services at the person's home.

(5) A voter registration agency must establish procedures for providing voter registration services to applicants who apply by telephone.

(6) A voter registration agency must forward all completed and incomplete voter registration applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records.

(8) A person providing voter registration services for a voter registration agency may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits;

(d) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(e) Disclose any applicant's voter registration information except as needed for the administration of voter registrations.

(9) A voter registration agency must collect data determined necessary by the department, as provided by rule, for program evaluation and reporting to the Election Assistance Commission pursuant to federal law.

(10) Each state agency which contracts with a private provider that is also a voter registration agency as defined in s. 97.021 is responsible for contracting for voter registration services with that provider and for ensuring that the private provider complies with the provisions of this section.

(11) Each voter registration agency must ensure that all voter registration services provided by its offices are in compliance with the Voting Rights Act of 1965.

History.—s. 14, ch. 94-224; s. 3, ch. 2002-189; s. 10, ch. 2005-278.

97.0583 Voter registration at qualifying educational institutions.—Each qualifying educational institution shall provide each student enrolled in that institution the opportunity to register to vote or to update a voter registration record on each campus at least once a year. Qualifying educational institutions are also encouraged to provide voter registration services at other times and places, such as upon application for financial aid, during admissions, at registration, upon issuance of student identifications, and at new-student orientation.

History.—s. 3, ch. 96-327.

97.05831 Voter registration applications made available to the Fish and Wildlife Conservation Commission.—As required in s. 379.352, each supervisor of elections shall supply voter registration applications to the Fish and Wildlife Conservation Commission and its subagents, as needed.

History.—s. 1, ch. 2006-95; s. 183, ch. 2008-247.

97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.—

(1) The following information held by an agency, as defined in s. 119.011, and obtained for the purpose of voter registration is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:

(a) All declinations to register to vote made pursuant to ss. 97.057 and 97.058.

(b) Information relating to the place where a person registered to vote or where a person updated a voter registration.

(c) The social security number, driver license number, and Florida identification number of a voter registration applicant or voter.

(d) All information concerning preregistered voter registration applicants who are 16 or 17 years of age. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(2) The signature of a voter registration applicant or a voter is exempt from the copying requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) This section applies to information held by an agency before, on, or after the effective date of this exemption.

History.—ss. 1, 2, ch. 94-345; s. 24, ch. 96-406; ss. 1, 3, ch. 2005-279; s. 1, ch. 2010-42; ss. 1, 2, ch. 2010-115; s. 11, ch. 2013-15; s. 1, ch. 2015-78; s. 1, ch. 2019-55; s. 8, ch. 2021-11.

97.061 Special registration for electors requiring assistance.—

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall upon that person's request be registered under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section.

(2) If a person is qualified to register pursuant to this section, the voter registration official shall note in that person's registration record that the person needs assistance in voting.

(3) The precinct register generated by the supervisor shall contain a notation that such person is eligible for assistance in voting, and the supervisor may make a notation on the voter information card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his or her own choice, other than the person's employer, the agent of the person's employer, or an officer or agent of the person's union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to receive assistance in voting.

History.—s. 14, ch. 6469, 1913; RGS 318; CGL 375; s. 3, ch. 25388, 1949; s. 6, ch. 25391, 1949; s. 1, ch. 26870, 1951; s. 3, ch. 28156, 1953; s. 1, ch. 59-446; s. 1, ch. 61-358; s. 4, ch. 65-60; s. 3, ch. 77-175; s. 1, ch. 79-366; s. 2, ch. 81-304; s. 1, ch. 84-302; s. 15, ch. 94-224; s. 1384, ch. 95-147; s. 11, ch. 2005-278; s. 26, ch. 2012-116.

Note.—Former ss. 97.06 and 102.21.

97.071 Voter information card.—

[1](1) A voter information card must be furnished by the supervisor to all registered voters residing in the supervisor's county. The card must contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

(f) Address of legal residence.

(g) Precinct number.

(h) Polling place address and a link to the supervisor's website to provide the most current polling place locations.

(i) Name of supervisor and contact information of supervisor.

(j) The following statement: "This card is for information purposes only. This card is proof of registration but is not legal verification of eligibility to vote. It is the responsibility of a voter to keep his or her eligibility status current. A voter may confirm his or her eligibility to vote with the Department of State."

(k) Other information deemed necessary by the supervisor.

(2) A voter may receive a replacement voter information card by providing a signed, written request for a replacement card to a voter registration official. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

[1](3) In the case of a change of name, address of legal residence, polling place address, or party affiliation, the supervisor shall issue the voter a new voter information card. A temporary change made to a polling location pursuant to ss. 101.71 and 101.74 does not require the issuance of a new voter information card.

History.—s. 13, ch. 3879, 1889; RS 167; s. 15, ch. 4328, 1895; GS 191, 192; RGS 235, 236; CGL 288, 289; s. 4, ch. 24203, 1947; s. 11, ch. 25035, 1949; s. 1, ch. 26870, 1951; s. 10, ch. 27991, 1953; s. 6, ch. 65-60; s. 8, ch. 69-377; ss. 10, 35, ch. 69-106; s. 18, ch. 94-224; s. 28, ch. 97-13; s. 7, ch. 98-129; s. 2, ch. 2000-250; s. 4, ch. 2002-189; s. 8, ch. 2005-277; s. 12, ch. 2005-278; s. 4, ch. 2005-286; s. 5, ch. 2011-40; s. 5, ch. 2023-120.

[1]**Note.**—Section 6, ch. 2023-120, provides that "[t]he amendments made to s. 97.071, Florida Statutes, by this act, only apply to new and replacement voter information cards issued on or after July 1, 2023."

Note.—Former ss. 98.31 and 98.32.

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application within 5 business days after voter registration information is entered into the statewide voter registration system. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A voter information card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information using a voter registration application signed by the applicant. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another state, the department must notify the registration official in the prior state that the applicant is now registered in this state.

History.—s. 19, ch. 94-224; s. 62, ch. 2001-40; s. 13, ch. 2005-278; s. 7, ch. 2011-40.

97.1031 Notice of change of residence, change of name, or change of party affiliation.—

(1)(a) When an elector changes his or her residence address, the elector must notify the supervisor of elections. Except as provided in paragraph (b), an address change must be submitted using a voter registration application.

(b) If the address change is within the state and notice is provided to the supervisor of elections of the county where the elector has moved, the elector may do so by:

1. Contacting the supervisor of elections via telephone or electronic means, in which case the elector must provide his or her date of birth and the last four digits of his or her social security number, his or her Florida driver license number, or his or her Florida identification card number, whichever may be verified in the supervisor's records; or

2. Submitting the change on a voter registration application or other signed written notice.

(2) When an elector seeks to change party affiliation, the elector shall notify his or her supervisor of elections or other voter registration official by submitting a voter registration application. When an elector changes his or her name by marriage or other legal process, the elector shall notify his or her supervisor of elections or other voter registration official by submitting a voter registration application.

(3) The voter registration official shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections shall issue the new voter information card.

History.—s. 7, ch. 78-403; s. 5, ch. 80-292; s. 21, ch. 94-224; s. 29, ch. 97-13; s. 31, ch. 99-2; s. 3, ch. 2000-250; s. 5, ch. 2002-189; s. 14, ch. 2005-278; s. 5, ch. 2005-286; s. 8, ch. 2011-40; s. 9, ch. 2021-11.

97.105 Permanent single registration system established.—A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties and municipalities. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered pursuant to this system by a voter registration official, and electors registered shall not thereafter be required to register or reregister except as provided by law.

History.—s. 1, ch. 25391, 1949; s. 2, ch. 26870, 1951; s. 1, ch. 59-237; s. 2, ch. 69-377; s. 1, ch. 73-155; s. 32, ch. 73-333; s. 5, ch. 77-175; s. 23, ch. 94-224; s. 15, ch. 2005-278.

Note.—Former s. 97.01; s. 98.041.

CHAPTER 98

REGISTRATION OFFICE, OFFICERS, AND PROCEDURES

98.015 Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties.
98.035 Statewide voter registration system; implementation, operation, and maintenance.
98.045 Administration of voter registration.
98.065 Registration list maintenance programs.
98.0655 Registration list maintenance forms.
98.075 Registration records maintenance activities; ineligibility determinations.
98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.
98.0755 Appeal of determination of ineligibility.
98.077 Update of voter signature.
98.081 Names removed from the statewide voter registration system; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.
98.093 Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, and persons who are not United States citizens.
98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics; live turnout data.
98.212 Department and supervisors to furnish statistical and other information.
98.255 Voter education programs.
98.461 Registration application, precinct register; contents.

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

(1) A supervisor of elections shall be elected in each county at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his or her election. Each supervisor shall, before performing any of his or her duties, take the oath prescribed in s. 5, Art. II of the State Constitution.

(2) The supervisor's compensation shall be paid by the board of county commissioners.

(3) The supervisor shall update voter registration information, enter new voter registrations into the statewide voter registration system, and act as the official custodian of documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county.

(4) At a minimum, the office of the supervisor must be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.

(5) The supervisor shall preserve statements and other information required to be filed with the supervisor's office pursuant to chapter 106 for a period of 10 years from date of receipt.

(6) The supervisor shall, upon leaving office, deliver to his or her successor immediately all records belonging to the office.

(7) Each supervisor is authorized to obtain for the office an impression seal approved by the department. An impression of the seal with a description thereof shall be filed with the department. The supervisor is empowered to attach an impression of the seal upon official documents and certificates executed over the supervisor's signature and take oaths and acknowledgments under the supervisor's seal in matters pertaining to the office. However, said seal need not be affixed to registration certificates.

(8) Each supervisor may select and appoint, subject to removal by the supervisor, as many deputy supervisors as are necessary, whose compensation must be paid by the supervisor and who shall have the same powers and whose acts shall have the same effect as the acts of the supervisor; except that the supervisor shall limit the power to appoint deputy supervisors to designated deputy supervisors. Each deputy supervisor shall, before entering office, take an oath in writing that he or she will faithfully perform the duties of the deputy supervisor's office, which oath must be acknowledged by the supervisor or a designated deputy supervisor and must be filed in the office of the supervisor.

(9) Each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor's county.

(10) Each supervisor shall ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements prescribed by rule of the department through the statewide voter registration system or prescribed by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002.

(11) Each supervisor shall ensure that any voter registration system used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system.

(12) Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. To the maximum extent practicable, the list shall include information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier. If a voter registration application does not include information necessary to

differentiate one residence from another, the supervisor shall make all reasonable efforts to obtain such information in order to maintain the list of valid residential street addresses. The supervisor shall make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the United States Postal Service, or other agencies as necessary to ensure the continued accuracy of such list. The supervisor shall provide the list of valid residential addresses to the statewide voter registration system in the manner and frequency specified by rule of the department.

History.—chs. 3700, 3704, 1887; s. 8, ch. 3879, 1889; RS 162; s. 9, ch. 4328, 1895; GS 179, 180; s. 1, ch. 5614, 1907; s. 1, ch. 9271, 1923; RGS 223, 224; CGL 258, 259; ss. 1, 2, ch. 22759, 1945; s. 2, ch. 26870, 1951; s. 10, ch. 65-134; ss. 10, 11, 35, ch. 69-106; s. 33, ch. 69-216; s. 5, ch. 77-175; s. 25, ch. 94-224; s. 1385, ch. 95-147; s. 17, ch. 98-34; s. 2, ch. 98-129; s. 16, ch. 2005-278; s. 4, ch. 2016-23; s. 1, ch. 2021-73; s. 2, ch. 2022-221.

Note.—Former ss. 98.13, 98.14, 98.17; s. 98.161.

98.035 Statewide voter registration system; implementation, operation, and maintenance.—

(1) The Secretary of State, as chief election officer of the state, shall be responsible for implementing, operating, and maintaining, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002. The department may adopt rules to administer this section.

(2) The statewide voter registration system must contain the name and registration information of every legally registered voter in the state. All voters shall be assigned a unique identifier. The system shall be the official list of registered voters in the state and shall provide secured access by authorized voter registration officials. The system shall enable voter registration officials to provide, access, and update voter registration information.

(3) The department may not contract with any other entity for the operation of the statewide voter registration system.

(4) The implementation of the statewide voter registration system shall not prevent any supervisor of elections from acquiring, maintaining, or using any hardware or software necessary or desirable to carry out the supervisor's responsibilities related to the use of voter registration information or the conduct of elections, provided that such hardware or software does not conflict with the operation of the statewide voter registration system.

(5) The department may adopt rules governing the access, use, and operation of the statewide voter registration system to ensure security, uniformity, and integrity of the system.

History.—s. 17, ch. 2005-278.

98.045 Administration of voter registration.—

(1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

(a) The failure to complete a voter registration application as specified in s. 97.053.

(b) The applicant is deceased.

(c) The applicant has been convicted of a felony for which his or her voting rights have not been restored.

(d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

(e) The applicant does not meet the age requirement pursuant to s. 97.041.

(f) The applicant is not a United States citizen.

(g) The applicant is a fictitious person.

(h) The applicant has provided an address of legal residence that is not his or her legal residence.

(i) The applicant has provided a driver license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) REMOVAL OF REGISTERED VOTERS.—

(a) Once a voter is registered, the name of that voter may not be removed from the statewide voter registration system except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance activity conducted pursuant to s. 98.065 or s. 98.075.

(b) Information received by a voter registration official from an election official in another state indicating that a registered voter in this state has registered to vote in that other state shall be considered as a written request from the voter to have the voter's name removed from the statewide voter registration system.

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

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(10). The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

(5) FORMS.—The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

History.—s. 26, ch. 94-224; s. 36, ch. 97-13; s. 2, ch. 2002-17; s. 7, ch. 2003-415; s. 9, ch. 2005-277; s. 18, ch. 2005-278; s. 23, ch. 2019-162.

98.065 Registration list maintenance programs.

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. As used in this subsection, the term "nondiscriminatory" applies to and includes persons with disabilities.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's annual registration list maintenance program under which the supervisor shall:

(a) Use change-of-address information supplied by the United States Postal Service through its licensees to identify registered voters whose addresses might have changed. Additionally, in odd-numbered years, unless the supervisor is conducting the procedure specified in paragraph (b), the supervisor must identify change-of-address information from address confirmation final notices mailed to all registered voters who have not voted in the preceding two general elections or any intervening election and who have not made a request that their registration records be updated during that time; or

(b) Identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests sent to all registered voters in the county.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, once each year, beginning no later than April 1, and must be completed at least 90 days before the date of any federal election. All list maintenance actions associated with each voter must be entered, tracked, recorded, and maintained in the statewide voter registration system.

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources which indicates that a registered voter's legal residence might have changed to another location within the state, the supervisor must change the registration records to reflect the new address and must send the voter an address change notice as provided in s. 98.0655(2).

(b) If the supervisor of elections receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, or from other sources which indicates that a registered voter's legal residence might have changed to a location outside the state, the supervisor of elections shall send an address confirmation final notice to the voter as provided in s. 98.0655(3).

(c) If an address confirmation request required by paragraph (2)(b) is returned as undeliverable without indication of an address change, or if any other nonforwardable return-if-undeliverable mail is returned as undeliverable with no indication of an address change, the supervisor must send an address confirmation final notice to the voter.

(d) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid, preaddressed return form within 30 days or for which the final notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration and confirming his or her current address of legal residence, requesting a vote-by-mail ballot and confirming his or her current address of legal residence, or appearing to vote and confirming his or her current address of legal residence. However, if the voter does not update his or her voter registration information, request a vote-by-mail ballot, or vote by the second general election after being placed on the inactive list, the voter's name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the correction of registration records based on information submitted by the voter or removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

(6) The supervisor shall, at a minimum, conduct an annual review of voter registration records to identify registration records in which a voter is registered at an address that may not be an address of legal residence for the voter. For those registration records with such addresses that the supervisor has reasonable belief are not legal residential addresses, the supervisor shall initiate list maintenance activities pursuant to s. 98.075(6) and (7).

(7)(a) No later than July 31 and January 31 of each year, the supervisor must certify to the department the address list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities

as required in this section constitutes a violation of s. 104.051.

History.—s. 28, ch. 94-224; s. 6, ch. 2002-281; s. 19, ch. 2005-278; s. 6, ch. 2008-95; s. 4, ch. 2016-37; s. 8, ch. 2022-73; s. 23, ch. 2023-8; s. 7, ch. 2023-120.

98.0655 Registration list maintenance forms.—The department shall prescribe registration list maintenance forms to be used by the supervisors which must include:

(1) An address confirmation request that must contain:

(a) The voter's name and address of legal residence as shown on the voter registration record;

(b) A request that the voter notify the supervisor if either the voter's name or address of legal residence is incorrect; and

(c) Information about updating voter information through the online voter registration system.

(2) An address change notice that must be sent to the newly recorded address of legal residence by forwardable mail, including a postage prepaid, preaddressed return form with which the voter may verify or correct the voter's new address information.

(3) An address confirmation final notice that must be sent to the newly recorded address of legal residence, or to all addresses on file for the voter if no indication of new address has been received, by forwardable mail and must contain a postage prepaid, preaddressed return form and a statement that:

(a) If the voter has not changed his or her legal residence or has changed his or her legal residence within the state, the voter should return the form within 30 days after the date on which the notice was sent to the voter.

(b) If the voter has changed his or her legal residence to a location outside the state:

1. The voter shall return the form, which serves as a request to be removed from the registration books; and

2. The voter shall be provided with information on how to register in the new jurisdiction in order to be eligible to vote.

(c) If the return form is not returned, the voter's name shall be designated as inactive in the statewide voter registration system, and confirmation of the voter's address of legal residence may be required before the voter is authorized to vote in an election.

History.—s. 7, ch. 2008-95; s. 9, ch. 2022-73; s. 8, ch. 2023-120.

98.075 Registration records maintenance activities; ineligibility determinations.—

(1) MAINTENANCE OF RECORDS.—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) DUPLICATE REGISTRATION.—

(a) The department shall identify those voters who are registered more than once or those applicants whose registration applications within the state would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(b)1. The department may become a member of a nongovernmental entity whose sole purpose is to share and exchange information in order to verify voter registration information. The membership of the nongovernmental entity must be composed solely of election officials of state governments, except that such membership may also include election officials of the District of Columbia. If the department intends to become a member of such a nongovernmental entity, the agreement to join the entity must require that the Secretary of State, or his or her designee, serve as a full member with voting rights on the nongovernmental entity's board of directors within 12 months after joining the entity.

2. The department may share confidential and exempt information after becoming a member of a nongovernmental entity as provided in subparagraph 1. if:

a. Each member of the nongovernmental entity agrees to maintain the confidentiality of such information as required by the laws of the jurisdiction providing the information; or

b. The bylaws of the nongovernmental entity require member jurisdictions and the entity to maintain the confidentiality of information as required by the laws of the jurisdiction providing the information.

3. The department may only become a member of a nongovernmental entity as provided in subparagraph 1. if the entity is controlled and operated by the participating jurisdictions. The entity may not be operated or controlled by the Federal Government or any other entity acting on behalf of the Federal Government. The department must be able to withdraw at any time from any such membership entered into.

4. If the department becomes a member of a nongovernmental entity as provided in subparagraph 1., the Department of Highway Safety and Motor Vehicles must, pursuant to a written agreement with the department, provide driver license or identification card information to the department for the purpose of sharing and exchanging voter registration information with the nongovernmental entity.

5. If the department becomes a member of a nongovernmental entity as provided in subparagraph 1., the department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year. The report must describe the terms of the nongovernmental entity membership and provide information on the total number of voters removed from the voter registration system as a result of the membership and the reasons for their removal.

(c) Information received by the department from another state or the District of Columbia upon the department becoming a member of a nongovernmental entity as provided in subparagraph (b)1., which is confidential or exempt pursuant to the laws of that state or the District of Columbia, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

The department shall provide such information to the supervisors to conduct registration list maintenance activities.

(3) DECEASED PERSONS.—

(a)1. The department shall identify those registered voters who are deceased by comparing information received from:

a. The Department of Health as provided in s. 98.093;

b. The United States Social Security Administration, including, but not limited to, any master death file or index compiled by the United States Social Security Administration; and

c. The Department of Highway Safety and Motor Vehicles.

2. Within 7 days after receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(b) The supervisor shall remove the name of a deceased registered voter from the statewide voter registration system within 7 days after receipt of a copy of a death certificate issued by a governmental agency authorized to issue death certificates.

(4) ADJUDICATION OF MENTAL INCAPACITY. The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department must notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) before the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.—

(a) The department shall identify those registered voters who have been convicted of a felony and whose voting rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department must notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) before the removal of a registered voter's name from the statewide voter registration system.

(b) The supervisors shall coordinate with their respective clerks of the court to obtain information pursuant to s. 98.093 to identify registered voters within their respective jurisdictions who have been convicted of a felony during the preceding week and whose voting rights have not been restored. The supervisor shall adhere to the procedures set forth in subsection (7) before the removal of a registered voter's name from the statewide voter registration system. For purposes of this paragraph, a supervisor's duties under subsection (7) begin upon his or her determination that the information received from the clerk is credible and reliable.

(6) OTHER BASES FOR INELIGIBILITY.—Subsections (2)-(5) do not limit or restrict the department or the supervisor in his or her duty to act upon direct receipt of, access to, or knowledge of information from any governmental entity that identifies a registered voter as potentially ineligible. If the department or supervisor receives information from any governmental entity other than those identified in subsections (2)-(5) that a registered voter is ineligible because the voter is deceased, adjudicated a convicted felon without having had his or her voting rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed an address that is not his or her address of legal residence, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of the name of a registered voter who is determined to be ineligible from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered must:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice must include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based. Such documentation must include any conviction from another jurisdiction determined to be a similar offense to murder or a felony sexual offense, as those terms are defined in s. 98.0751.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution and information explaining voting rights restoration pursuant to s. 4, Art. VI of the State Constitution following a felony conviction, if applicable.

g. The following statement: "If you attempt to vote at an early voting site or your normal election day polling place, you will be required to vote a provisional ballot. If you vote by mail, your ballot will be treated as a provisional ballot. In either case, your ballot may not be counted until a final determination of eligibility is made. If you wish for your ballot to be counted, you must contact the supervisor of elections office within 2 days after the election and present evidence that you are eligible to vote."

2. If the mailed notice is returned as undeliverable, the supervisor must, within 14 days after receiving the returned notice, either publish notice once in a newspaper of general circulation in the county in which the voter was last registered or publish notice on the county's website as provided in s. 50.0311 or on the supervisor's website, as deemed appropriate by the supervisor. The notice must contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

f. A statement that, if the voter denies the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

g. The following statement: "If you attempt to vote at an early voting site or your normal election day polling place, you will be required to vote a provisional ballot. If you vote by mail, your ballot will be treated as a provisional ballot. In either case, your ballot may not be counted until a final determination of eligibility is made. If you wish for your ballot to be counted, you must contact the supervisor of elections office within 2 days after the election and present evidence that you are eligible to vote."

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor must make a final determination of the voter's eligibility within 7 days after expiration of the voter's timeframe to respond. If the supervisor determines that the voter is ineligible, the supervisor must remove the name of the registered voter from the statewide voter registration system within 7 days. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor must, as soon as practicable, make a final determination of ineligibility and remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor must review the evidence and make a determination of eligibility no later than 30 days after receiving the response from the voter. If the supervisor determines that the registered voter is ineligible, the supervisor must remove the voter's name from the statewide voter registration system upon such determination and notify the registered voter of the supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755. If such registered voter requests a hearing, the supervisor must send notice to the registered voter to attend a hearing at a time and place specified in the notice. The supervisor shall schedule and issue notice for the hearing within 7 days after receiving the voter's request for a hearing and shall hold the hearing no later than 30 days after issuing the notice of the hearing. A voter may request an extension upon showing good cause by submitting an affidavit to the supervisor as to why he or she is unable to attend the scheduled hearing. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility within 7 days. If the supervisor determines that the registered voter is ineligible, the supervisor must remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755.

(b) The following apply to this subsection:

1. All determinations of eligibility must be based on a preponderance of the evidence.

2. All proceedings are exempt from chapter 120.

3. Any notice must be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or must be published in a newspaper of general circulation where the voter was last registered, on the county's website as provided in s. 50.0311, or on the supervisor's website, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department that the supervisor has conducted the activities required pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification must include the number of persons to whom notices were sent pursuant to subsection (7); the number of persons who responded to the notices; the number of notices returned as undeliverable; the number of notices published in the newspaper, on the county's website, or on the supervisor's website; the number of hearings conducted; and the number of persons removed from the statewide voter registration system and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section constitutes a violation of s. 104.051.

History.—s. 29, ch. 94-224; s. 1386, ch. 95-147; s. 20, ch. 2005-278; s. 9, ch. 2011-40; s. 1, ch. 2018-32; s. 1, ch. 2018-33; s. 24, ch. 2019-162; s. 10, ch. 2022-73; s. 9, ch. 2023-120.

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(1) A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation. The voting disqualification does not terminate unless a person's civil rights are restored pursuant to s. 8, Art. IV of the State Constitution if the disqualification arises from a felony conviction of murder or a felony sexual offense, or if the person has not completed all terms of sentence, as specified in subsection (2).

(2) For purposes of this section, the term:

(a) "Completion of all terms of sentence" means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;

2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

3. Fulfillment of any term ordered by the court as a part of the sentence;

4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. include only the amount specifically ordered by the court as part of the sentence and do not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in the United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

(I) Actual payment of the obligation in full.

(II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.

(III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

(b) "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112;

3. Section 784.049(3)(b);

4. Section 794.08;

5. Section 796.08;

6. Section 800.101;

7. Section 826.04;

8. Section 847.012;

9. Section 872.06(2);

10. Section 944.35(3)(b)2.;

11. Section 951.221(1); or

12. Any similar offense committed in another jurisdiction which would be an offense listed in this

paragraph if it had been committed in violation of the laws of this state.

(c) "Murder" means either of the following:

1. A violation of any of the following sections which results in the actual killing of a human being:

a. Section 775.33(4).

b. Section 782.04(1), (2), or (3).

c. Section 782.09.

2. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

(3)(a) The department shall obtain and review information pursuant to s. 98.075(5) related to a person who registers to vote and make an initial determination on whether such information is credible and reliable regarding whether the person is eligible pursuant to s. 4, Art. VI of the State Constitution and this section. Upon making an initial determination of the credibility and reliability of such information, the department shall forward such information to the supervisor of elections pursuant to s. 98.075.

(b) A local supervisor of elections shall verify and make a final determination pursuant to s. 98.075 regarding whether the person who registers to vote is eligible pursuant to s. 4, Art. VI of the State Constitution and this section.

(c) The supervisor of elections may request additional assistance from the department in making the final determination, if necessary.

(4) For the purpose of determining a voter registrant's eligibility, the provisions of this section shall be strictly construed. If a provision is susceptible to differing interpretations, it shall be construed in favor of the registrant.

History.—s. 25, ch. 2019-162; s. 5, ch. 2021-156.

98.0755 Appeal of determination of ineligibility. Appeal of the supervisor's determination of ineligibility pursuant to s. 98.075(7) may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally removed from the statewide voter registration system, or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the supervisor of elections.

History.—s. 21, ch. 2005-278.

98.077 Update of voter signature.—

(1) A registered voter may update his or her signature on file in the statewide voter registration system at any time using a voter registration application submitted to a voter registration official.

(2) The supervisors of elections shall include in any correspondence, other than postcard notifications and notices relating to eligibility, sent to a registered voter information regarding when, where, and how to update the voter's signature and shall provide the voter information on how to obtain a voter registration application from a voter registration official which can be returned to update the signature.

(3) At least once during each general election year before the presidential preference primary or the primary election, whichever occurs first, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county, on the county's website as provided in s. 50.0311, or on the supervisor's website, as deemed appropriate by the supervisor, a notice specifying when, where, or how a voter can update his or her signature that is on file and how a voter can obtain a voter registration application from a voter registration official.

(4) Except as authorized in ss. 101.048 and 101.68:

(a) All signature updates for use in verifying vote-by-mail voter certificates, provisional ballot voter certificates, or petitions must be received by the appropriate supervisor before the voter's ballot is received by the supervisor or, in the case of provisional ballots, before the voter's ballot is cast or, in the case of a petition, before the petition is submitted for signature verification.

(b) The signature on file at the time the vote-by-mail ballot is received, at the time the provisional ballot is cast, or at the time a petition is reviewed is the signature that must be used in verifying the signature on the vote-by-mail voter certificates, provisional ballot voter certificates, or petitions, respectively. For signatures requiring secondary or tertiary review, older signatures from previous registration updates may be used.

History.—s. 8, ch. 2002-189; s. 10, ch. 2005-277; s. 22, ch. 2005-278; s. 8, ch. 2006-1; s. 5, ch. 2016-37; s. 3, ch. 2019-162; s. 10, ch. 2023-120.

98.081 Names removed from the statewide voter registration system; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) When the name of any elector is removed from the statewide voter registration system pursuant to s. 98.065 or s. 98.075, the elector's original registration application shall be retained by the supervisor of elections having custody of the application. As alternatives, registrations removed from the statewide voter registration system may be microfilmed and such microfilms substituted for the original registration applications; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration application. Such microfilms or stored information shall be retained by the supervisor of elections having custody. In the event the original registration applications are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(2) When the name of any elector has been erroneously or illegally removed from the statewide voter registration system, the name of the elector shall be restored by a voter registration official upon

satisfactory proof, even though the registration period for that election is closed.

History.—s. 8, ch. 25391, 1949; s. 2, ch. 26870, 1951; s. 1, ch. 61-86; s. 5, ch. 77-175; s. 1, ch. 78-102; s. 14, ch. 79-365; s. 8, ch. 80-292; s. 45, ch. 81-259; s. 18, ch. 81-304; s. 7, ch. 82-143; s. 3, ch. 90-315; s. 30, ch. 94-224; s. 1387, ch. 95-147; s. 23, ch. 2005-278; s. 6, ch. 2005-286.

Note.—Former s. 97.08.

98.093 Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, and persons who are not United States citizens.—

(1) DUTIES.—In order to identify ineligible registered voters and maintain accurate and current voter registration records in the statewide voter registration system pursuant to procedures in s. 98.065 or s. 98.075, it is necessary for the department and supervisors of elections to receive or access certain information from state and federal officials and entities in the format prescribed. To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data must do so without charge if the direct cost incurred by those agencies is not significant.

(2) DEPARTMENT OF HEALTH.—The Department of Health shall furnish weekly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older whose death was reported during the preceding week.

(3) CLERK OF THE CIRCUIT COURT.—Each clerk of the circuit court shall furnish weekly to the department and to the supervisors in their respective jurisdictions the following information:

(a) Information identifying those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding week and those persons whose mental capacity with respect to voting has been restored during the preceding week. The information must include each person's name; address; date of birth; race; sex; and, if available, his or her Florida driver license number or Florida identification card number or the last four digits of his or her social security number. The clerk shall provide the information to the department to assist a supervisor in identifying registered voters in his or her county who are adjudicated mentally incapacitated outside of his or her county pursuant to s. 98.075(4).

(b) Information identifying those persons who have responded to jury notices during the preceding week from the clerk of the circuit court and whose response indicated a change of address. The information must include each person's name; address; date of birth; race; sex; and, if available, the Florida driver license number or Florida identification card number or the last four digits of his or her social security number.

(c) Information on the terms of sentence for felony convictions, including any financial obligations for court costs, fees, and fines, of all persons listed in the clerk's records whose last known address in the clerk's records is within this state and who have been convicted of a felony during the preceding week. The information may be provided to the supervisor directly by the clerk of the circuit court or may be provided on the clerk's behalf through the Comprehensive Case Information System. The clerk shall provide the information to the department to assist a supervisor in identifying registered voters in his or her county who are adjudicated of a felony outside of his or her county. For each felony conviction reported, the information must include:

1. The full name; last known address; date of birth; race; sex; and, if available, the Florida driver license number or Florida identification card number, as applicable; and the last four digits of the social security number of the person convicted.

2. The amounts of all financial obligations, including restitution and court costs, fees, and fines, and, if known, the amount of financial obligations not yet satisfied.

3. The county in which the conviction occurred.

4. The statute number violated, statute table text, date of conviction, and case number.

(4) UNITED STATES ATTORNEYS.—Upon receipt of information from the United States Attorney listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075.

(5) DEPARTMENT OF LAW ENFORCEMENT.—The Department of Law Enforcement shall identify and report to the department at least weekly those persons who have been convicted of a felony during the preceding week who appear in the voter registration records supplied by the statewide voter registration system.

(6) FLORIDA COMMISSION ON OFFENDER REVIEW.—The Florida Commission on Offender Review shall furnish at least weekly to the department data, including the identity of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The data must contain the commission's case number and the person's name, address, date of birth, race, gender, Florida driver license number, Florida identification card number, or the last four digits of the social security number, if available, and references to record identifiers assigned by the Department of Corrections and the Department of Law Enforcement, a unique identifier of each clemency case, and the effective date of clemency of each person.

(7) DEPARTMENT OF CORRECTIONS.—The Department of Corrections shall identify and report to the department at least weekly those persons who have been convicted of a felony and committed to its custody or placed on community supervision during the preceding week.

(8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—The Department of Highway Safety and Motor Vehicles shall furnish weekly to the department the following information:

(a) Information identifying those persons whose names have been removed from the Florida driver license or Florida identification card database during the

preceding week because they have been licensed or been issued an identification card in another state. The information must contain the person's name, last known Florida address, date of birth, sex, last four digits of his or her social security number, and Florida driver license number or Florida identification card number and, if available, the address and the state in which the person is now licensed.

(b) Information identifying those persons who during the preceding week presented evidence of non-United States citizenship upon being issued a new or renewed Florida driver license or Florida identification card. The information must contain the person's name; address; date of birth; last four digits of the social security number, if applicable; Florida driver license number or Florida identification card number, as available; and alien registration number or other legal status identifier.

(c) Information identifying those persons for which it has received official information during the preceding week that the person is deceased. The information must contain the name, address, date of birth, last four digits of the social security number, Florida driver license number or Florida identification card number, and date of death of each such person.

(9) CONSTRUCTION.—This section does not limit or restrict the supervisor in his or her duty to act upon direct receipt of, access to, or knowledge of official information from these and other governmental entities that identify a registered voter as potentially ineligible and to initiate removal of the name of the registered voter who is determined to be ineligible from the statewide voter registration system pursuant to s. 98.075(7).

History.—s. 3, ch. 14730, 1931; CGL 1936 Supp. 302(1); s. 10, ch. 24203, 1947; s. 11, ch. 25035, 1949; s. 2, ch. 26870, 1951; s. 1, ch. 29917; s. 9, ch. 29934, 1955; s. 33, ch. 73-333; s. 27, ch. 77-147; s. 5, ch. 77-175; s. 32, ch. 94-224; s. 1388, ch. 95-147; s. 7, ch. 99-8; s. 24, ch. 2005-278; s. 10, ch. 2011-40; s. 4, ch. 2012-5; s. 6, ch. 2014-191; s. 11, ch. 2022-73; s. 11, ch. 2023-120.

Note.—Former s. 98.41; s. 98.301.

98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics; live turnout data.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—Each supervisor shall submit the reports required by this subsection to the department no later than 10 business days after the Elections Canvassing Commission certifies the results of an election.

(a) *Reconciliation.*—For each presidential preference primary election, special primary election, special election, primary election, and general election, the supervisor shall reconcile the aggregate total of ballots cast in each precinct to the aggregate number of voters with voter history pursuant to paragraph (b) and the precinct-level election results pursuant to subsection (3) and submit a reconciliation report. The report must be submitted to the department in an electronic format pursuant to file format and specifications set forth by rule. The report must include a written explanation if the reconciliation results in a discrepancy between the voter history and the election results.

(b) *Voting history.*—For each presidential preference primary, special election, special primary election, primary election, or general election, as applicable, supervisors of elections shall transmit completely updated voting history information for each qualified voter to the department. Such information must be provided in a uniform electronic format pursuant to file specifications adopted by the department by rule. The voting history information must include:

1. The unique identifier assigned to each qualified voter within the statewide voter registration system.

2. Each qualified voter's unique precinct identifier, as designated by the county within the statewide voter registration system, at the time of voting. For purposes of this subparagraph, the term "unique precinct identifier" means an alphanumeric code representing the precinct name or number and containing no more than the maximum characters as specified by rule.

3. Specifics as to each qualified voter's voting history, including whether the qualified voter voted a regular ballot during the early voting period, voted during the early voting period using a provisional ballot that was subsequently counted, voted a regular ballot at a precinct location, voted at a precinct location using a provisional ballot that was subsequently counted, voted by vote-by-mail ballot, attempted to vote by a timely received vote-by-mail ballot that was not counted, attempted to vote by a vote-by-mail ballot that was received untimely, attempted to vote by provisional ballot that was not counted, or did not vote.

(c) *Precinct boundaries.*—For each presidential preference primary election, special primary election, special election, primary election, and general election, the supervisor shall submit to the department the geographical information system map of precinct boundaries created and maintained pursuant to s. 101.001 for the applicable election.

(2) LEGISLATIVE REPORT.—

(a) *Specifications.*—The department shall prepare an election summary compiled for a presidential preference primary election, special primary election, special election, primary election, or general election, as applicable, in an electronic format which contains the following information:

1. The voting history information as transmitted under paragraph (1)(b) and the precinct boundaries as transmitted under paragraph (1)(c).

2. All information provided by each qualified voter on his or her voter registration application pursuant to s. 97.052(2), except that which is confidential or exempt from public records requirements.

3. Each qualified voter's date of registration.

4. Each qualified voter's state representative district, state senatorial district, congressional district, county commission district, and school board district at the time of voting, assigned by the supervisor of elections.

(b) *Submission.*—Within 60 days after the Elections Canvassing Commission certifies a presidential preference primary, special election, primary election, or general election, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the

House Minority Leader an election summary report in electronic format that includes all information set forth in paragraph (a).

(3) PRECINCT-LEVEL ELECTION RESULTS.—

(a)1. Within 10 business days after the Elections Canvassing Commission certifies a presidential preference primary election, special election, special primary election, primary election, or general election, as applicable, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The results must specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type. When one or more ballot types, also known as counting groups, in a race or an issue have fewer than 30 voters voting on the ballot, the ballot type must be reported as zero except for the total votes counting group for that precinct. Ballot types or counting groups include election day, early voting, vote-by-mail, provisional voting, and total votes. For purposes of this paragraph, the term "all ballots cast" means ballots cast by voters who cast a ballot, whether at a precinct location; by vote-by-mail ballot, including overseas vote-by-mail ballots; during the early voting period; or by provisional ballot.

2. Upon request from the department, a supervisor must research and address, as appropriate, any questions or issues identified by the department pertaining to the precinct-level election results. If the information as originally submitted is changed or corrected, the supervisor must provide an amended precinct-level election results file no later than 10 business days after the request from the department.

(b) The department shall make such information available online no later than 60 days after the Elections Canvassing Commission certifies the presidential preference primary election, special primary election, special election, primary election, or general election, as applicable. The website containing the information must include the file layout and codes. The information must be searchable and sortable by county, precinct, and candidate; must be downloadable in a tab-delimited format; and must be available for download county-by-county.

(c) The files containing the precinct-level election results must be created in accordance with the applicable file specification as set forth by rule. The rule must, at a minimum, provide that the data records include the following columns: County Name, Election Number, Election Date, Unique Precinct Identifier, Precinct Polling Location, Total Registered Voters, Total Registered Republicans, Total Registered Democrats, Total Registered All Other Parties, Contest Name, Candidate/Retention/Issue Name, Candidate Florida Voter Registration System ID Number, Division of Elections Unique Candidate Identifying Number, Candidate Party, District, Undervote Total, Overvote Total, Write-in Total, and Vote Total. For purposes of this paragraph, the term "unique precinct identifier" means an alphanumeric code representing the precinct name or number and containing no more than the maximum characters as specified by rule.

(4) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—No later than 10 days after the date of book closing for an election as defined in s. 97.021 to fill a national, state, county, or district office, or to vote on a proposed constitutional amendment, the department shall compile and make available the following precinct-level statistical data for each county:

(a) Unique precinct identifier. For purposes of this subsection, the term "unique precinct identifier" means an alphanumeric code representing the precinct name or number and containing no more than the maximum characters as specified by rule.

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

(5) LIVE TURNOUT DATA.—On election day, each supervisor of elections shall make live voter turnout data, updated at least once per hour, available on his or her website. Each supervisor shall transmit the live voter turnout data to the division, which must create and maintain a real-time statewide turnout dashboard that is available for viewing by the public on the division's website as the data becomes available.

(6) REPORTS PUBLICLY AVAILABLE.—The department shall also make publicly available the reports and results required in subsections (1)-(4).

(7) RULEMAKING.—The department shall adopt rules and prescribe forms to carry out the purposes of this section.

History.—s. 25, ch. 2005-278; s. 8, ch. 2008-95; s. 3, ch. 2010-167; s. 11, ch. 2011-40; s. 6, ch. 2016-37; s. 4, ch. 2019-162; s. 10, ch. 2021-11; s. 12, ch. 2023-120.

98.212 Department and supervisors to furnish statistical and other information.—

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

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

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

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Election Assistance Commission pursuant to federal law.

History.—s. 2, ch. 57-810; s. 5, ch. 77-175; s. 26, ch. 79-400; s. 34, ch. 94-224; s. 40, ch. 97-13; s. 11, ch. 2003-415; s. 26, ch. 2005-278.

98.255 Voter education programs.—

(1) The Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. The standards shall, at a minimum, address:

(a) Voter registration;

(b) Balloting procedures, by mail and polling place;

(c) Voter rights and responsibilities;

(d) Distribution of sample ballots; and

(e) Public service announcements.

(2) Each county supervisor shall implement the minimum voter education standards, and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.

(3) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts. The department shall reexamine the rules adopted pursuant to subsection (1) and use the findings in these reports as a basis for modifying the rules to incorporate successful voter education programs and techniques, as necessary.

History.—s. 9, ch. 80-292; s. 1, ch. 83-16; s. 530, ch. 95-147; s. 59, ch. 2001-40; s. 35, ch. 2010-102; s. 7, ch. 2016-37.

98.461 Registration application, precinct register; contents.—

(1) A registration application, approved by the Department of State, containing the information required in s. 97.052 shall be retained by the supervisor of elections of the county of the applicant's registration. However, the registration application may be microfilmed and such microfilm substituted for the original registration application; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration application. Such microfilms or stored information shall be retained in the custody of the supervisor of elections of the county of the applicant's registration. In the event the original registration applications are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State.

(2) A computer printout or electronic database shall be used at the polls as a precinct register. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, middle name or initial, and suffix; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register shall also contain a space for the elector's signature and a space for the initials of the witnessing clerk or inspector or an electronic device may be provided for this purpose.

History.—s. 1, ch. 77-267; s. 1, ch. 86-200; s. 6, ch. 90-315; s. 36, ch. 94-224; s. 30, ch. 97-13; s. 9, ch. 98-129; s. 12, ch. 2003-415; s. 27, ch. 2005-278.

CHAPTER 99

CANDIDATES

99.012 Restrictions on individuals qualifying for public office.
99.021 Form of candidate oath.
99.0215 Name of candidate.
99.061 Method of qualifying for nomination or election to federal, state, county, or district office.
99.063 Candidates for Governor and Lieutenant Governor.
99.081 United States Senators elected in general election.
99.091 Representatives to Congress.
99.092 Qualifying fee of candidate; notification of Department of State.
99.093 Municipal candidates; election assessment.
99.095 Petition process in lieu of a qualifying fee and party assessment.
99.0955 Candidates with no party affiliation; name on general election ballot.
99.096 Minor political party candidates; names on ballot.
99.09651 Signature requirements for ballot position in year of apportionment.
99.097 Verification of signatures on petitions.
99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.
99.121 Department of State to certify nominations to supervisors of elections.

99.012 Restrictions on individuals qualifying for public office.—

(1) As used in this section:

(a) "Officer" means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, the term "officer" means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

[1](b) "Qualify" means to fulfill the requirements set forth in s. 99.061(7)(a) or s. 105.031(5)(a).

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

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

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

(b) The resignation is irrevocable.

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

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

1. The date the officer would take office, if elected; or

2. The date the officer's successor is required to take office.

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

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

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

(f) The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

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

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

(b) The resignation is irrevocable.

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

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

1. The date the officer would take office, if elected; or

2. The date the officer's successor is required to take office.

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

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

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

(f)1. The failure of an officer who qualifies for federal public office to submit a resignation pursuant to this subsection constitutes an automatic irrevocable

resignation, effective immediately, from the office he or she presently holds.

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

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

b. The officer or authority who appointed him or her if the officer held an appointive office.

(g) The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

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

(6) If an order of a court that has become final determines that a person did not comply with this section, the person shall not be qualified as a candidate for election and his or her name may not appear on the ballot.

(7) This section does not apply to:

(a) Political party offices.

(b) Persons serving without salary as members of an appointive board or authority.

[1](c) Persons seeking the office of President or Vice President of the United States.

(8) Subsections (3) and (4) do not apply to persons holding any federal office. Subsection (4) does not apply to an elected officer if the term of the office that he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking.

History.—s. 1, ch. 63-269; s. 2, ch. 65-378; s. 1, ch. 70-80; s. 10, ch. 71-373; s. 1, ch. 74-76; s. 3, ch. 75-196; s. 1, ch. 79-391; s. 47, ch. 81-259; s. 1, ch. 83-15; s. 28, ch. 84-302; s. 31, ch. 91-107; s. 534, ch. 95-147; s. 1, ch. 99-146; s. 1, ch. 2000-274; s. 14, ch. 2007-30; s. 14, ch. 2008-4; s. 9, ch. 2008-95; s. 12, ch. 2011-40; s. 1, ch. 2018-126; s. 11, ch. 2021-11; s. 13, ch. 2023-120.

[1]**Note.**—Section 14, ch. 2023-120, provides that "[t]he amendments made to s. 99.012, Florida Statutes, by this act are intended to clarify existing law. Any person seeking the office of President or Vice President of the United States is not subject to the requirements of chapter 99, Florida Statutes, which govern candidate qualifying, specifically those which require the submission of certain documents, full and public disclosures of financial interests, petition signatures, or the payment of filing fees. This section shall take effect upon this act becoming a law."

99.021 Form of candidate oath.—

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

State of Florida
County of____

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of ____; that he or she is a qualified elector of ____ County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

(Signature of candidate)
(Address of legal residence)

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

(Signature and title of officer administering oath)

2. Each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office shall take and subscribe to an oath or affirmation in writing. A copy of the oath or affirmation shall be made available to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of ____

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of ____; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she will support the Constitution of the United States.

(Signature of candidate)
(Address)

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

(Signature and title of officer administering oath)

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member.

2. That the person has been a registered member of the political party for which he or she is seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.

(c) In addition, any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in

writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(d) In addition, each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed $250 for any violations of s. 8, Art. II of the State Constitution; the Code of Ethics for Public Officers and Employees under part III of chapter 112; any local ethics ordinance governing standards of conduct and disclosure requirements; or chapter 106. If the candidate owes any outstanding fines, fees, or penalties exceeding the threshold amount specified in this paragraph, he or she must also specify the amount owed and each entity that levied such fine, fee, or penalty. For purposes of this paragraph, any such fines, fees, or penalties that have been paid in full at the time of subscribing to the oath or affirmation are not deemed to be outstanding.

(e) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot. Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him or her counted.

(2) The provisions of subsection (1) relating to the oath required of candidates, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee.

(3) This section does not apply to a person who seeks to qualify for election pursuant to ss. 103.021 and 103.101.

History.—ss. 22, 23, ch. 6469, 1913; RGS 326, 327; CGL 383, 384; s. 3, ch. 19663, 1939; s. 3, ch. 26870, 1951; s. 10, ch. 28156, 1953; s. 1, ch. 57-742; s. 1, ch. 61-128; s. 2, ch. 63-269; s. 1, ch. 63-66; s. 1, ch. 65-376; s. 1, ch. 67-149; s. 2, ch. 70-269; s. 19, ch. 71-355; s. 6, ch. 77-175; s. 3, ch. 79-365; s. 27, ch. 79-400; s. 2, ch. 81-105; s. 3, ch. 86-134; s. 535, ch. 95-147; s. 7, ch. 99-6; s. 8, ch. 99-318; s. 15, ch. 2007-30; s. 10, ch. 2008-95; s. 13, ch. 2011-40; s. 12, ch. 2021-11; s. 1, ch. 2023-46; s. 15, ch. 2023-120.

Note.—Former ss. 102.29, 102.30.

99.0215 Name of candidate.—

(1) Each candidate shall designate in the oath or affirmation specified in s. 99.021 the name that he or she wishes to have printed on the ballot, or, in the case of a write-in candidate, the name that he or she wishes to have voters write in on the ballot when voting for him or her. Such designation must include the candidate's legal given name or names, a shortened form of the candidate's legal given name or names, an initial or initials of the candidate's legal given name or names, or a bona fide nickname customarily related to the candidate and by which the candidate is commonly known, immediately followed by the candidate's legal surname. If applicable, a candidate may place one of the following designations after the legal surname: "Sr.," "Jr.," or a numerical designation such as "II."

(2) If a candidate wishes to designate a nickname, the candidate must file an affidavit that must be verified under oath or affirmation pursuant to s. 92.525(1)(a), attesting that the nickname complies with the requirements of this section. The affidavit must be filed simultaneously with the oath or affirmation specified in s. 99.021. Any nickname designated by a candidate may not be used to mislead voters. A candidate may not designate a nickname that implies the candidate is some other person, that constitutes a political slogan or otherwise associates the candidate with a cause or an issue, or that is obscene or profane. For purposes of this subsection, the term "political slogan" means any word or words expressing or connoting a position, an opinion, or a belief that the candidate may espouse, including, but not limited to, any word or words conveying any meaning other than that of the general identity of the candidate.

(3) Unless a candidate has the same name as, or a name similar to, one or more candidates for the same office, an educational or professional title or degree may not be added to his or her name designation.

History.—s. 16, ch. 2023-120.

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

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process pursuant to s. 99.095 with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the public defender.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. 99.095 with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon

of the 67th day prior to the date of the primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

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

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

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(5) At the time of qualifying for office, each candidate for a constitutional office, or for another elective office subject to an annual filing requirement pursuant to s. 112.3144, shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145. A candidate who is subject to an annual filing requirement under s. 112.3144 may file a verification or receipt of electronic filing pursuant to s. 112.3144(4). A candidate who is subject to an annual filing requirement under s. 112.3145 may file a verification or receipt of electronic filing pursuant to s. 112.3145(2)(c) unless the candidate is required to file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution or this subsection.

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

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

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b); or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics before qualifying for office may file a copy of that disclosure or a verification or receipt of electronic filing as provided in subsection (5) at the time of qualifying.

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section which do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

(8) Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days

prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(9) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the primary election.

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

(11) The decision of the filing officer concerning whether a candidate is qualified is exempt from the provisions of chapter 120.

History.—ss. 25, 26, ch. 6469, 1913; RGS 329, 330; CGL 386, 387; ss. 4, 5, ch. 13761, 1929; s. 1, ch. 16990, 1935; CGL 1936 Supp. 386; ss. 1, chs. 19007, 19008, 19009, 1939; CGL 1940 Supp. 4769(3); s. 1, ch. 20619, 1941; s. 1, ch. 21851, 1943; s. 1, ch. 23006, 1945; s. 1, ch. 24163, 1947; s. 3, ch. 26870, 1951; s. 11, ch. 28156, 1953; s. 4, ch. 29936, 1955; s. 10, ch. 57-1; s. 1, ch. 59-84; s. 1, ch. 61-373 and s. 4, ch. 61-530; s. 1, ch. 63-502; s. 7, ch. 65-378; s. 2, ch. 67-531; ss. 10, 35, ch. 69-106; s. 5, ch. 69-281; s. 1, ch. 69-300; s. 1, ch. 70-42; s. 1, ch. 70-93; s. 1, ch. 70-439; s. 6, ch. 77-175; s. 1, ch. 78-188; s. 3, ch. 81-105; s. 2, ch. 83-15; s. 2, ch. 83-25; s. 1, ch. 83-251; s. 29, ch. 84-302; s. 1, ch. 86-7; s. 6, ch. 89-338; s. 8, ch. 90-315; s. 32, ch. 91-107; s. 536, ch. 95-147; s. 1, ch. 95-156; s. 9, ch. 99-318; s. 9, ch. 99-326; s. 3, ch. 2001-75; s. 11, ch. 2005-277; s. 51, ch. 2005-278; s. 7, ch. 2005-286; s. 16, ch. 2007-30; s. 14, ch. 2011-40; s. 13, ch. 2021-11; s. 1, ch. 2023-49.

Note.—Former ss. 102.32, 102.33, 102.351, 102.36, 102.66, 102.69.

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the 9th day following the primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the 9th day following the primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

(b) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b); or if the office sought is without party affiliation, the written statement required by s. 99.021(1)(c).

(c) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution. A public officer who has filed the full and public disclosure with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(3) A designated candidate for Lieutenant Governor is not required to pay a separate qualifying fee or obtain signatures on petitions. Ballot position obtained by the candidate for Governor entitles the designated candidate for Lieutenant Governor, upon receipt by the Department of State of the qualifying papers required by subsection (2), to have his or her name placed on the ballot for the joint candidacy.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061.

(5) Failure of the Lieutenant Governor candidate to be designated and qualified by the time specified in subsection (2) shall result in forfeiture of ballot position for the candidate for Governor for the general election.

History.—s. 1, ch. 99-140; s. 45, ch. 2001-40; s. 12, ch. 2005-277; s. 8, ch. 2005-286; s. 15, ch. 2011-40; s. 5, ch. 2019-162; s. 14, ch. 2021-11.

99.081 United States Senators elected in general election.—United States Senators from Florida shall be elected at the general election held preceding the expiration of the present term of office, and such election shall conform as nearly as practicable to the methods provided for the election of state officers.

History.—s. 3, ch. 26870, 1951; s. 6, ch. 77-175; s. 7, ch. 89-338.

Note.—Former s. 106.01.

99.091 Representatives to Congress.—

(1) A Representative to Congress shall be elected in and for each congressional district at each general election.

(2) When Florida is entitled to additional representatives according to the last census, representatives shall be elected from the state at large and at large thereafter until the state is redistricted by the Legislature.

History.—ss. 2, 3, ch. 3879, 1889; RS 157; s. 4, ch. 4328, 1895; s. 3, ch. 4537, 1897; GS 174; RGS 218; CGL 253; s. 2, ch. 25383, 1949; s. 3, ch. 26870, 1951; s. 6, ch. 77-175.

Note.—Former s. 98.07.

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

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify by the petition process pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be transferred to the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred

to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.

History.—s. 24, ch. 6469, 1913; RGS 328; CGL 385; s. 3, ch. 26870, 1951; s. 12, ch. 29934, 1955; s. 4, ch. 65-378; s. 1, ch. 67-531; ss. 10, 35, ch. 69-106; s. 6, ch. 69-281; s. 1, ch. 74-119; s. 1, ch. 75-123; s. 1, ch. 75-247; s. 6, ch. 77-175; s. 28, ch. 79-400; s. 4, ch. 81-105; s. 1, ch. 83-242; s. 8, ch. 89-338; s. 1, ch. 91-107; s. 537, ch. 95-147; s. 11, ch. 97-13; s. 2, ch. 99-140; s. 10, ch. 99-318; s. 13, ch. 2005-277; s. 2, ch. 2010-16; s. 16, ch. 2011-40.

Note.—Former ss. 102.31, 99.031.

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all assessments collected pursuant to this section to the Florida Elections Commission for deposit in the Elections Commission Trust Fund.

(2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the qualifying officer, be exempt from paying the election assessment.

History.—s. 9, ch. 89-338; s. 2, ch. 91-107; s. 538, ch. 95-147; s. 12, ch. 97-13; s. 3, ch. 2010-16; s. 17, ch. 2011-40.

99.095 Petition process in lieu of a qualifying fee and party assessment.—

(1) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this section is not required to pay the qualifying fee or party assessment required by this chapter.

(2)(a) Except as provided in paragraph (b), a candidate must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021 and are valid only for the qualifying period immediately following such filings.

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

(c) The format of the petition shall be prescribed by the division and shall be used by candidates to reproduce petitions for circulation. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid. A separate petition is required for each candidate.

(d) In a year of apportionment, any candidate for county or district office seeking ballot position by the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries. The candidate shall obtain at least the number of signatures equal to 1 percent of the total number of registered voters, as shown by a compilation by the department for the immediately preceding general election, divided by the total number of districts of the office involved.

(3) Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which such petition was circulated. Each supervisor shall check the signatures on the petitions to verify their status as voters in the county, district, or other geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid signatures.

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

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

(5) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to s. 99.061.

History.—s. 2, ch. 74-119; s. 6, ch. 77-175; s. 29, ch. 79-400; s. 10, ch. 89-338; s. 9, ch. 90-315; s. 539, ch. 95-147; s. 3, ch. 99-140; s. 1, ch. 99-318; s. 14, ch. 2005-277; s. 9, ch. 2005-286; s. 17, ch. 2007-30; s. 11, ch. 2008-95; s. 18, ch. 2011-40.

99.0955 Candidates with no party affiliation; name on general election ballot.—

(1) Each person seeking to qualify for election as a candidate with no party affiliation shall file his or her qualifying papers and pay the qualifying fee or qualify by the petition process pursuant to s. 99.095 with the officer and during the times and under the circumstances prescribed in s. 99.061. Upon qualifying, the candidate is entitled to have his or her name placed on the general election ballot.

(2) The qualifying fee for candidates with no party affiliation shall consist of a filing fee and an election assessment as prescribed in s. 99.092. Filing fees paid to the Department of State shall be deposited into the General Revenue Fund of the state. Filing fees paid to the supervisor of elections shall be deposited into the general revenue fund of the county.

History.—s. 6, ch. 70-269; s. 1, ch. 70-439; s. 3, ch. 74-119; s. 7, ch. 77-175; s. 2, ch. 78-188; s. 11, ch. 89-338; s. 10, ch. 90-315; s. 540, ch. 95-147; s. 13, ch. 95-280; s. 4, ch. 99-140; s. 2, ch. 99-318; s. 15, ch. 2005-277.

Note.—Former s. 99.152.

99.096 Minor political party candidates; names on ballot.—Each person seeking to qualify for election as a candidate of a minor political party shall file his or her qualifying papers with, and pay the qualifying fee and, if one has been levied, the party assessment, or

qualify by the petition process pursuant to s. 99.095, with the officer and at the times and under the circumstances provided in s. 99.061.

History.—s. 5, ch. 70-269; s. 1, ch. 70-439; s. 4, ch. 74-119; s. 8, ch. 77-175; s. 3, ch. 78-188; s. 12, ch. 89-338; s. 1, ch. 90-229; s. 11, ch. 90-315; s. 541, ch. 95-147; s. 3, ch. 99-318; s. 16, ch. 2005-277; s. 18, ch. 2007-30.

Note.—Former s. 101.261.

99.09651 Signature requirements for ballot position in year of apportionment.—

(1) In a year of apportionment, any candidate for representative to Congress, state Senate, or state House of Representatives seeking ballot position by the petition process prescribed in s. 99.095 shall obtain at least the number of signatures equal to one-third of 1 percent of the ideal population for the district of the office being sought.

(2) For the purposes of this section, "ideal population" means the total population of the state based upon the most recent decennial census divided by the number of districts for representative to Congress, state Senate, or state House of Representatives. For the purposes of this section, ideal population shall be calculated as of July 1 of the year prior to apportionment. The ideal population for a state Senate district and a state representative district shall be calculated by dividing the total population of the state by 40 for a state Senate district and by dividing by 120 for a state representative district.

(3) Signatures may be obtained from any registered voter in Florida regardless of party affiliation or district boundaries.

(4) Petitions shall state the name of the office the candidate is seeking, but shall not include a district number.

(5) Except as otherwise provided in this section, all requirements and procedures relating to the petition process shall conform to the requirements and procedures in nonapportionment years.

History.—s. 3, ch. 91-107; s. 4, ch. 99-318; s. 17, ch. 2005-277.

99.097 Verification of signatures on petitions.

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

1. A check of each petition; or

2. A check of a random sample, as provided by the Department of State, of the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures has been obtained with a reliability of at least 99.5 percent.

(b) Rules and guidelines for petition verification shall be adopted by the Department of State. Rules and guidelines for a random sample method of verification may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria or if the petitions are prescribed by s. 100.371, the use of the random sample method of verification is not available to supervisors.

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

(3)(a) If all other requirements for the petition are met, a signature on a petition shall be verified and counted as valid for a registered voter if, after comparing the signature on the petition and the signature of the registered voter in the voter registration system, the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system.

(b) In any situation in which this code requires the form of the petition to be prescribed by the division, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the division.

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

(4)(a) The supervisor must be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate or, in the case of a petition to have a local issue placed on the ballot, by the person or organization submitting the petition. In the case of a petition to place a statewide issue on the ballot, the person or organization submitting the petition must pay the supervisor in advance the cost posted by the supervisor pursuant to s. 100.371(11) for the actual cost of checking signatures to place a statewide issue on the ballot.

(b) However, if a candidate, a person, or an organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization, upon written certification of such inability given under oath to the supervisor, is entitled to have the signatures verified at no charge.

(c) In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer no later than December 1 of the general election year, and the Chief Financial Officer shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents or the actual cost for each name checked, whichever is applicable as set forth in paragraph (a). In no event may such reimbursement of costs be deemed or applied as extra compensation for the supervisor.

(d) Petitions must be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to subparagraph (1)(a)2. may be contested in the circuit court by

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

(6)(a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition.

(b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any that are submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. 106.011 are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of an undue burden oath.

History.—s. 2, ch. 76-233; s. 10, ch. 77-175; s. 2, ch. 80-20; s. 1, ch. 82-141; s. 13, ch. 89-338; s. 2, ch. 90-229; s. 12, ch. 90-315; s. 542, ch. 95-147; s. 21, ch. 97-13; s. 7, ch. 99-318; s. 109, ch. 2003-261; s. 19, ch. 2011-40; s. 17, ch. 2023-120.

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

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

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the primary election.

History.—s. 1, ch. 29935, 1955; s. 24, ch. 57-1; s. 1, ch. 57-62; s. 4, ch. 57-166; s. 1, ch. 69-295; ss. 10, 35, ch. 69-106; s. 11, ch. 77-175; s. 2, ch. 83-251; s. 4, ch. 91-107; s. 14, ch. 97-13; s. 10, ch. 2005-286.

99.121 Department of State to certify nominations to supervisors of elections.—The Department of State shall certify to the supervisor of elections of each county affected by a candidacy for office the names of persons nominated to such office. The names of such persons shall be printed by the supervisor of elections upon the ballot in their proper place as provided by law.

History.—s. 30, ch. 4328, 1895; s. 10, ch. 4537, 1897; GS 215, 3824; s. 54, ch. 6469, 1913; RGS 259, 358, 5885; CGL 315, 415, 8148; s. 11, ch. 26329, 1949; s. 3, ch. 26870, 1951; s. 5, ch. 57-166; ss. 10, 35, ch. 69-106; s. 11, ch. 77-175.

Note.—Former ss. 99.13, 102.51.

CHAPTER 100

GENERAL, PRIMARY, SPECIAL, BOND, AND REFERENDUM ELECTIONS

100.011 Opening and closing of polls, all elections; expenses.
100.021 Notice of general election.
100.025 Citizens residing overseas; notice of elections.
100.031 General election.
100.032 Election preparation report; general election.
100.041 Officers chosen at general election.
100.051 Candidate's name on general election ballot.
100.061 Primary election.
100.081 Nomination of county commissioners at primary election.
100.101 Special elections and special primary elections.
100.102 Cost of special elections and special primary elections to be incurred by the state.
100.111 Filling vacancy.
100.141 Notice of special election to fill any vacancy in office.
100.151 Special elections called by local governing bodies, notice.
100.161 Filling vacancy of United States Senators.
100.181 Determination of person elected.
100.191 General election laws applicable to special elections; returns.
100.201 Referendum required before issuing bonds.
100.211 Power to call bond referendum; notice required.
100.221 General election laws to govern bond referenda.
100.241 Freeholder voting; election; penalties for ineligible persons who vote as freeholders.
100.261 Holding bond referenda with other elections.
100.271 Inspectors, clerk, duties; return and canvass of referendum recorded.
100.281 Approval to issue bonds.
100.291 Record results of election prima facie evidence.
100.301 Refunding bonds excluded.
100.311 Local law governs bond election held by municipalities.
100.321 Test suit.
100.331 Referendum for defeated bond issue.
100.341 Bond referendum ballot.
100.342 Notice of special election or referendum.
100.351 Referendum election; certificate of results to Department of State.
100.3605 Conduct of municipal elections.
100.361 Municipal recall.
100.371 Initiatives; procedure for placement on ballot.

100.011 Opening and closing of polls, all elections; expenses.—

(1) The polls shall be open at the voting places at 7:00 a.m., on the day of the election, and shall be kept open until 7:00 p.m., of the same day, and the time shall be regulated by the customary time in standard use in the county seat of the locality. The inspectors shall make public proclamation of the opening and closing of the polls. During the election and canvass of the votes, the ballot box shall not be concealed. Any elector who is in line at the time of the official closing of the polls shall be allowed to cast a vote in the election.

(2) The time of opening and closing of the polls shall be observed in all elections held in this state, including municipal and school elections.

(3) The expenses of holding all elections for county and state offices necessarily incurred shall be paid out of the treasury of the county or state, as the case may be, in the same manner and by the same officers as in general elections.

(4)(a) The provisions of any special law to the contrary notwithstanding, the expenses of holding a special district or community development district election, or the district's proportionate share of regular election costs, as the case may be, shall be paid out of the district's treasury and in the same manner as in general elections. This subsection applies to any district, whether created by or pursuant to special or general law, which is a special district as defined in s. 200.001(8)(c) or a community development district as defined in s. 190.003(6).

(b) The provisions of any special law to the contrary notwithstanding, the supervisor of elections may impose an interest penalty on any amount due and owing to him or her from a special district or community development district if payment is not made within 30 days from receipt of the bill or within 10 working days of the required time authorized by interlocal agreement. The rate of such interest shall be the rate established pursuant to s. 55.03.

(c) The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.04 and 189.041.

History.—s. 23, ch. 3879, 1889; RS 177; s. 27, ch. 4328, 1895; GS 209; s. 8, ch. 6469, 1913; RGS 253, 306; CGL 309, 362; ss. 1, 2, ch. 20409, 1941; ss. 1, 2, ch. 22739, 1945; s. 4, ch. 25384, 1949; s. 4, ch. 26870, 1951; s. 12, ch. 77-175; s. 6, ch. 87-363; s. 53, ch. 89-169; s. 543, ch. 95-147; s. 4, ch. 96-327; s. 18, ch. 2005-277; s. 56, ch. 2014-22.

Note.—Former ss. 99.07, 102.08.

100.021 Notice of general election.—The Department of State shall, in any year in which a general election is held, make out a notice stating what offices and vacancies are to be filled at the general election in the state, and in each county and district thereof. During the 30 days before the beginning of qualifying, the department shall have the notice published two times in a newspaper of general circulation in each county; and,

in counties in which there is no newspaper of general circulation, it shall send to the sheriff a notice of the offices and vacancies to be filled at such general election by the qualified voters of the sheriff's county or any district thereof, and the sheriff shall have at least five copies of the notice posted in conspicuous places in the county. Notice may be provided alternatively by publishing notice on the division's website, on the county's website as provided in s. 50.0311, or on the supervisor's website, as deemed appropriate by the supervisor.

History.—s. 5, ch. 3879, 1889; RS 159; s. 6, ch. 4328, 1895; s. 4, ch. 4537, 1897; GS 176; RGS 220; CGL 255; s. 1, ch. 25383, 1949; s. 4, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 12, ch. 77-175; s. 3, ch. 83-251; s. 544, ch. 95-147; s. 18, ch. 2023-120.

Note.—Former s. 98.06.

100.025 Citizens residing overseas; notice of elections.—A citizen of this state who is residing overseas may notify the supervisor of elections in the county where he or she is registered of his or her overseas address; and, thereafter, the supervisor shall notify such citizen at least 90 days prior to regular primary and general elections and when possible prior to any special election so that such citizen may follow the procedures for voting by mail provided by law.

History.—s. 1, ch. 67-454; s. 8, ch. 69-280; s. 3, ch. 77-175; s. 16, ch. 81-304; s. 4, ch. 89-338; s. 16, ch. 94-224; s. 1389, ch. 95-147; s. 8, ch. 2016-37.

Note.—Former s. 97.0631.

100.031 General election.—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective federal, state, county, and district officer whose term will expire before the next general election and, except as provided in the State Constitution, to fill each vacancy in elective office for the unexpired portion of the term.

History.—s. 2, ch. 3879, 1889; RS 155; s. 2, ch. 4328, 1895; s. 1, ch. 4537, 1897; GS 171; RGS 216; CGL 251; s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 98.04.

100.032 Election preparation report; general election.—Each supervisor of elections must post a report on his or her official website at least 3 months before a general election which outlines preparations for the upcoming general election. The report must include, at a minimum, the following elements: the anticipated staffing levels during the early voting period, on election day and after election day; and the anticipated amount of automatic tabulating equipment at each early voting site and polling place.

History.—s. 2, ch. 2013-57.

100.041 Officers chosen at general election.—

(1) State senators shall be elected for terms of 4 years, those from odd-numbered districts in each year the number of which is a multiple of 4 and those from even-numbered districts in each even-numbered year the number of which is not a multiple of 4. Members of the House of Representatives shall be elected for terms of 2 years in each even-numbered year. In each county, a clerk of the circuit court, sheriff, superintendent of schools, property appraiser, and tax collector shall be chosen by the qualified electors at the general election in each year the number of which is a multiple of 4. The Governor and the administrative officers of the executive branch of the state shall be elected for terms of 4 years in each even-numbered year the number of which is not a multiple of 4. The terms of state offices other than the terms of members of the Legislature shall begin on the first Tuesday after the first Monday in January after said election. The term of office of each member of the Legislature shall begin upon election.

(2)(a) Except as provided in s. 124.011 relating to single member districts after decennial redistricting, each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election. A county commissioner is "elected" for purposes of this paragraph on the date that the county canvassing board certifies the results of the election pursuant to s. 102.151.

(b) Notwithstanding paragraph (a), the governing board of a charter county may provide by ordinance, to be approved by referendum, that the terms of its members shall commence on a date later than the second Tuesday following general elections, but in any case the date of commencement shall be uniform for all members and shall be no later than the first Tuesday after the first Monday in January following each member's election.

(3)(a) School board members shall be elected at a general election for terms of 4 years. The term of office of a school board member and of a superintendent of schools shall begin on the second Tuesday following the general election in which such member or superintendent is elected.

(b) In each school district which has five school board members, the terms shall be arranged so that three members are elected at one general election and two members elected at the next ensuing general election.

(4) The term of office of each county and each district officer not otherwise provided by law shall commence on the first Tuesday after the first Monday in January following his or her election.

History.—s. 3, ch. 3879, 1889; RS 156; s. 3, ch. 4328, 1895; s. 2, ch. 4537, 1897; GS 172; s. 10, ch. 7838, 1919; RGS 217; CGL 252; s. 4, ch. 26870, 1951; s. 15, ch. 28156, 1953; s. 1, ch. 59-140; s. 1, ch. 63-479; s. 1, ch. 67-98; s. 1, ch. 67-510; s. 11, ch. 69-216; s. 1, ch. 69-300; (4) former s. 14, Art. XVIII of the State Constitution of 1885, as amended; converted to statutory law by s. 10, Art. XII of the State Constitution as revised in 1968; s. 1, ch. 73-47; s. 18, ch. 73-334; s. 1, ch. 77-102; s. 12, ch. 77-175; s. 1, ch. 78-321; s. 21, ch. 79-164; s. 14, ch. 85-226; s. 1, ch. 88-85; s. 14, ch. 89-338; s. 545, ch. 95-147; s. 11, ch. 98-129; s. 20, ch. 2007-30; s. 12, ch. 2022-73.

Note.—Former s. 98.05.

100.051 Candidate's name on general election ballot.—The supervisor of elections of each county shall print on ballots to be used in the county at the next general election the names of candidates who have been nominated by a political party and the candidates who have otherwise obtained a position on the general

election ballot in compliance with the requirements of this code.

History.—s. 53, ch. 6469, 1913; RGS 357; CGL 414; s. 4, ch. 26870, 1951; s. 3, ch. 70-269; s. 1, ch. 70-439; s. 12, ch. 77-175; s. 21, ch. 2007-30.

Note.—Former s. 102.50.

100.061 Primary election.—In each year in which a general election is held, a primary election for nomination of candidates of political parties shall be held on the Tuesday 11 weeks prior to the general election. The candidate receiving the highest number of votes cast in each contest in the primary election shall be declared nominated for such office. If two or more candidates receive an equal and highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated.

History.—s. 5, ch. 6469, 1913; RGS 303; CGL 359; s. 2, ch. 13761, 1929; s. 1, ch. 17897, 1937; s. 7, ch. 26329, 1949; s. 4, ch. 26870, 1951; s. 1, ch. 57-166; s. 1, ch. 59-4; s. 1, ch. 69-1745; s. 4, ch. 83-251; s. 11, ch. 2005-286; s. 22, ch. 2007-30; s. 20, ch. 2011-40; s. 3, ch. 2013-57; s. 6, ch. 2019-162.

Note.—Former s. 102.05.

100.081 Nomination of county commissioners at primary election.—The primary election shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers.

History.—s. 63, ch. 6469, 1913; s. 10, ch. 6874, 1915; RGS 362; CGL 419; s. 18, ch. 13761, 1929; CGL 1936 Supp. 424(2); s. 4, ch. 26870, 1951; s. 11, ch. 69-216; s. 12, ch. 77-175; s. 12, ch. 2005-286.

Note.—Former s. 102.55.

100.101 Special elections and special primary elections.—A special election or special primary election shall be held in the following cases:

(1) If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.

(2) If a vacancy occurs in the office of state senator or member of the state house of representatives.

(3) If it is necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.

(4) If a vacancy occurs in the office of member from Florida of the House of Representatives of Congress.

History.—s. 4, ch. 3879, 1889; RS 158; s. 5, ch. 4328, 1895; GS 175; RGS 219; CGL 254; s. 4, ch. 26870, 1951; s. 12, ch. 77-175; s. 3, ch. 83-15; s. 19, ch. 2005-277; s. 21, ch. 2011-40.

Note.—Former s. 98.08.

100.102 Cost of special elections and special primary elections to be incurred by the state.—Whenever any special election or special primary election is held as required in s. 100.101, each county incurring expenses resulting from such special election or special primary election shall be reimbursed by the state. Reimbursement shall be based upon actual expenses as filed by the supervisor of elections with the county governing body. The Department of State shall verify the expenses of each special election and each special primary election and authorize payment for reimbursement to each county affected.

History.—s. 2, ch. 74-120; s. 12, ch. 77-175.

100.111 Filling vacancy.—

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term, commencing on the first Tuesday after the first Monday following such general election.

(b) If such a vacancy occurs prior to the first day set by law for qualifying for election to office at such general election, any person seeking nomination or election to the unexpired portion of the term shall qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.

(c) If such a vacancy occurs prior to the primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the primary election, the Governor may call a special primary election to select party nominees for the unexpired portion of such term.

(2) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101, the Governor, after consultation with the Secretary of State, shall fix the dates of a special primary election and a special election. Nominees of political parties shall be chosen under the primary laws of this state in the special primary election to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for the special primary election and for the special election to coincide with the dates of the primary election and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

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

(b) The filing of campaign expense statements by candidates in such special elections or special primaries

and by committees making contributions or expenditures to influence the results of such special primaries or special elections shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

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

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

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

(3)(a) In the event that death, resignation, withdrawal, or removal should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the filing officer before whom the candidate qualified shall notify the chair of the state and county political party executive committee of such party and:

1. If the vacancy in nomination is for a statewide office, the state party chair shall, within 5 days, call a meeting of his or her executive board to consider designation of a nominee to fill the vacancy.

2. If the vacancy in nomination is for the office of United States Representative, state senator, state representative, state attorney, or public defender, the state party chair shall, within 5 days, call a meeting of the state executive committee members residing in the affected county or counties to consider designation of a nominee to fill the vacancy.

3. If the vacancy in nomination is for a county office, the state party chair shall notify the appropriate county chair and, within 5 days, the appropriate county chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy.

The name of any person so designated shall be submitted to the filing officer before whom the candidate qualified within 7 days after notice to the chair in order that the person designated may have his or her name on the ballot of the ensuing general election. If the name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and the former party nominee's name will appear on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election.

(b) When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as the nominee would have taken had he or she regularly qualified for election to such office.

(c) Any person who, at the close of qualifying as prescribed in ss. 99.061 and 105.031, was qualified for nomination or election to or retention in a public office to be filled at the ensuing general election or who attempted to qualify and failed to qualify is prohibited from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that general election, even if such person has withdrawn or been eliminated as a candidate for the original office sought. However, this paragraph does not apply to a candidate for the office of Lieutenant Governor who applies to fill a vacancy in nomination for the office of Governor on the same ticket or to a person who has withdrawn or been eliminated as a candidate and who is subsequently designated as a candidate for Lieutenant Governor under s. 99.063.

(4) A vacancy in nomination is not created if an order of a court that has become final determines that a nominee did not properly qualify or did not meet the necessary qualifications to hold the office for which he or she sought to qualify.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of special primary elections and special elections resulting from court order or other unpredictable circumstances, the Department of State shall have the authority to provide for the conduct of orderly elections.

History.—s. 4, ch. 26870, 1951; s. 16, ch. 28156, 1953; s. 1, ch. 29938, 1955; s. 1, ch. 57-91; s. 1, ch. 59-139; s. 2, ch. 65-240; ss. 10, 35, ch. 69-106; s. 1, ch. 73-191; s. 1, ch. 74-120; s. 12, ch. 77-175; s. 30, ch. 79-400; s. 4, ch. 83-15; s. 1, ch. 83-149; s. 15, ch. 89-338; s. 3, ch. 90-229; s. 13, ch. 90-315; s. 546, ch. 95-147; s. 1, ch. 95-197; s. 5, ch. 99-140; s. 12, ch. 99-318; s. 20, ch. 2005-277; s. 13, ch. 2005-286; s. 23, ch. 2007-30; s. 22, ch. 2011-40; s. 15, ch. 2021-11.

100.141 Notice of special election to fill any vacancy in office.—

(1) Whenever a special election is required to fill any vacancy in office, the Governor, after consultation with the Secretary of State, shall issue an order declaring on what day the election shall be held and deliver the order to the Department of State.

(2) The Department of State shall prepare a notice stating what offices are to be filled in the special election, the dates set for the special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the petition process pursuant to s. 99.095, and the dates fixed for filing campaign expense statements.

(3) The department shall deliver a copy of such notice to the supervisor of elections of each county in

which the special election is to be held. The supervisor shall have the notice published two times in a newspaper of general circulation in the county at least 10 days before the first day set for qualifying for office or, for at least 10 days before the first day set for qualifying for office, publish notice on the county's website as provided in s. 50.0311 or on the supervisor's website.

History.—s. 6, ch. 3879, 1889; RS 160; s. 7, ch. 4328, 1895; GS 177; RGS 221; CGL 256; s. 3, ch. 25383, 1949; s. 1, ch. 26329, 1949; s. 4, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 12, ch. 77-175; s. 14, ch. 90-315; s. 13, ch. 99-318; s. 21, ch. 2005-277; s. 14, ch. 2005-286; s. 19, ch. 2023-120.

Note.—Former s. 98.10.

100.151 Special elections called by local governing bodies, notice.—County commissioners or the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his or her consent obtained as to a date when the registration books can be available.

History.—s. 4, ch. 26870, 1951; s. 2, ch. 65-60; s. 16, ch. 89-338; s. 547, ch. 95-147.

100.161 Filling vacancy of United States Senators.—Should a vacancy happen in the representation of this state in the Senate of the United States, the Governor shall issue a writ of election to fill such vacancy at the next general election; and the Governor may make a temporary appointment until the vacancy is filled by election.

History.—s. 4, ch. 26870, 1951; s. 17, ch. 28156, 1953; s. 12, ch. 77-175.

100.181 Determination of person elected.—The person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.

History.—s. 7, ch. 20872, 1941; s. 4, ch. 26329, 1949; s. 4, ch. 26870, 1951; s. 24, ch. 77-104; s. 12, ch. 77-175.

Note.—Former s. 98.49.

100.191 General election laws applicable to special elections; returns.—All laws that are applicable to general elections are applicable to special elections or special primary elections to fill a vacancy in office or nomination. The Elections Canvassing Commission shall immediately, upon receipt of returns from the county in which a special election is held, proceed to canvass the returns and determine and declare the result thereof.

History.—s. 6, ch. 20872, 1941; s. 4, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 12, ch. 77-175; s. 24, ch. 2007-30.

Note.—Former s. 98.48.

100.201 Referendum required before issuing bonds.—Whenever any county, district, or municipality is by law given power to issue bonds which are required to be approved by referendum, such bonds shall be issued only after the same have been approved by the majority of votes cast by those persons eligible to vote in such referendum. The election costs of such referendum shall be paid in whole or in part, as the case may be, out of the county, district, or municipal treasury.

History.—s. 1, ch. 14715, 1931; CGL 1936 Supp. 457(1); s. 4, ch. 26870, 1951; s. 3, ch. 69-377; s. 12, ch. 77-175; s. 7, ch. 87-363.

Note.—Former s. 103.01.

100.211 Power to call bond referendum; notice required.—The board of county commissioners or the governing authority of any district or municipality may call a bond referendum under this code. In the event any referendum is called to decide whether a majority of the electors participating are in favor of the issuance of bonds in the county, district, or municipality, the board of county commissioners, or the governing authority of the municipality or district, shall by resolution order the bond referendum to be held in the county, district, or municipality and shall give notice of the election in the manner prescribed by s. 100.342.

History.—s. 2, ch. 14715, 1931; CGL 1936 Supp. 457(2); s. 4, ch. 26870, 1951; s. 4, ch. 69-377; s. 12, ch. 77-175.

Note.—Former s. 103.02.

100.221 General election laws to govern bond referenda.—The laws governing the holding of general elections are applicable to bond referenda, except as provided in ss. 100.201-100.351. A county, district, or municipality is not required to offer early voting for a bond referendum that is not held in conjunction with a county or state election. The places for voting in a bond referendum shall be the same as the places for voting in general elections when a bond referendum is held in the county or district; however, when a bond referendum is held in a municipality, the polling places shall be the same as in other municipal elections.

History.—s. 8, ch. 14715, 1931; CGL 1936 Supp. 457(8); s. 4, ch. 26870, 1951; s. 12, ch. 77-175; s. 12, ch. 2008-95.

Note.—Former s. 103.08.

100.241 Freeholder voting; election; penalties for ineligible persons who vote as freeholders.—

(1) In any election or referendum in which only electors who are freeholders are qualified to vote, the regular registration books covering the precincts located within the geographical area in which the election or referendum is to be held shall be used.

(2) Qualification and registration of electors participating in a freeholder election or referendum subject to this section shall be the same as prescribed for voting in other elections under this code, and, in addition, each such elector shall submit a written declaration, verified pursuant to s. 92.525, affirming that the elector is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.

(3) Each registered elector who submits the written declaration giving a legal description, address, or location of property in the elector's name which is not wholly exempt from taxation is entitled to vote in the election or referendum and is considered a freeholder.

(4) The actual costs of conducting a freeholder election or referendum subject to this section shall be paid by the county, district, or municipality requiring the election or referendum.

(5) A person may not vote in any county, district, or other election or referendum which is limited to a vote of the electors who are freeholders, unless the person is a freeholder and a qualified elector. A person who violates this subsection commits a misdemeanor of the first

degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 9294, 1923; CGL 250; ss. 4, 6, 14, ch. 14715, 1931; CGL 1936 Supp. 457(4), (6), (14); s. 7, ch. 22858, 1945; s. 4, ch. 26870, 1951; s. 1, ch. 61-332; s. 5, ch. 65-240; s. 5, ch. 69-377; s. 12, ch. 77-175; s. 2, ch. 91-224; s. 548, ch. 95-147; s. 1, ch. 2012-156.

Note.—Former ss. 98.03, 103.04, 103.06, 103.14.

100.261 Holding bond referenda with other elections.—Whenever any bond referendum is called, it shall be lawful for any county, district, or municipality to hold such bond referendum on the day of any state, county, or municipal primary or general election, or on the day of any election of such county, district, or municipality for any purpose other than the purpose of voting on such bonds. If such bond referendum is held concurrently with a regularly scheduled election, the county, district, or municipality shall pay only its pro rata share of election costs directly related to the bond referendum. However, nothing in this section shall prohibit the holding of a special or separate bond referendum.

History.—s. 1, ch. 22545, 1945; s. 4, ch. 26870, 1951; s. 19, ch. 28156, 1953; s. 12, ch. 77-175; s. 8, ch. 87-363.

Note.—Former s. 103.21.

100.271 Inspectors, clerk, duties; return and canvass of referendum recorded.—In any bond referendum, unless the referendum is held in connection with a regular or special state, county, or municipal election, at least two inspectors and one clerk shall be appointed and qualified, as in cases of general elections, and they shall canvass the vote cast and make due returns of same without delay. Any bond referendum held in a municipality shall be returned to and canvassed by the governing authority which called the referendum, but in any county or district the returns shall be made to the board of county commissioners. The board of county commissioners or, in the case of a municipality, the governing authority thereof, shall canvass the returns and declare the result and have same recorded in the minutes of the board of county commissioners, or, in the case of a district, the certificate of declaration of result shall be recorded in the minutes of the governing authority of such district, or, in the case of a municipality, the result shall be recorded in the minutes of the governing authority of the municipality. If any bond referendum is held in conjunction with any other election, however, the officials responsible for the canvass of such election shall also canvass the returns of the referendum and certify the same to the proper governing body.

History.—s. 10, ch. 14715, 1931; CGL 1936 Supp. 457(10); s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 103.10.

100.281 Approval to issue bonds.—Should a majority of the votes cast in a bond referendum be in favor of the issuance of bonds, then the issuance of said bonds is deemed authorized in accordance with s. 12, Art. VII of the State Constitution. In the event less than a majority of those voting on the issue voted in favor of the issuance of the proposed bonds, then the issuance of those specified bonds shall be deemed to have failed of approval and it is unlawful to issue or attempt to issue said bonds.

History.—s. 12, ch. 14715, 1931; CGL 1936 Supp. 457(12); s. 4, ch. 26870, 1951; s. 15, ch. 69-216; s. 7, ch. 69-377; s. 12, ch. 77-175.

Note.—Former s. 103.12.

100.291 Record results of election prima facie evidence.—Whenever any bond referendum is called and held, and the minutes have been recorded as provided in s. 100.271 and also a separate finding as to the total number of votes cast in the referendum, both in favor and against the approval of bonds, then a duly certified copy of the finding shall be admissible as prima facie evidence in all state courts of the truth, including the regularity, of the call, conduct, and holding of the referendum at the time and place specified.

History.—s. 17, ch. 14715, 1931; CGL 1936 Supp. 457(15); s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 103.17.

100.301 Refunding bonds excluded.—Sections 100.201-100.351 shall not apply to refunding bonds, and wherever the word "bond" or "bonds" is used in these sections it shall be construed to exclude refunding bonds; but if the statute, ordinance, or resolution under which refunding bonds are authorized or are to be issued requires a referendum to determine whether such refunding bonds shall be issued, the referendum may be held as provided by ss. 100.201-100.351.

History.—s. 21½, ch. 14715, 1931; CGL 1936 Supp. 457(19); s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 103.20.

100.311 Local law governs bond election held by municipalities.—No section of this code controlling or regulating bond referenda shall be deemed to repeal or modify any provision contained in any local law relating to bond referenda held by any municipality, but ss. 100.201-100.351 shall be deemed additional and supplementary to any such local law.

History.—s. 21, ch. 14715, 1931; CGL 1936 Supp. 457(18); s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 103.19.

100.321 Test suit.—Any taxpayer of the county, district, or municipality wherein bonds are declared to have been authorized, shall have the right to test the legality of the referendum and of the declaration of the result thereof, by an action in the circuit court of the county in which the referendum was held. The action shall be brought against the county commissioners in the case of a county or district referendum, or against the governing authority of the municipality in the case of a municipal referendum. In case any such referendum or the declaration of results thereof shall be adjudged to be illegal and void in any such suit, the judgment shall have the effect of nullifying the referendum. No suit shall be brought to test the validity of any bond referendum unless the suit shall be instituted within 60 days after the declaration of the results of the referendum. In the event proceedings shall be filed in any court to validate the bonds, which have been voted for, then any such taxpayer shall be bound to intervene in such validation suit and contest the validity of the holding of the referendum or the declaration of the results thereof, in which event the exclusive jurisdiction to determine the legality of such referendum or the declaration of the

results thereof shall be vested in the court hearing and determining said validation proceedings. If said bonds in the validation proceedings shall be held valid on final hearing or an intervention by the taxpayer shall be interposed and held not to have been sustained, then the judgment in said validation proceedings shall be final and conclusive as to the legality and validity of the referendum and of the declaration of the results thereof, and no separate suit to test the same shall be thereafter permissible.

History.—s. 18, ch. 14715, 1931; CGL 1936 Supp. 457(16); s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 103.18.

100.331 Referendum for defeated bond issue. If any bond referendum is called and held for approving the issuance of bonds for a particular purpose and such referendum does not result in the approval of the bonds, then no other referendum for the approval of bonds for the same purpose shall be called for at least 6 months.

History.—s. 13, ch. 14715, 1931; CGL 1936 Supp. 457 (13); s. 4, ch. 26870, 1951; s. 12, ch. 77-175.

Note.—Former s. 103.13.

100.341 Bond referendum ballot.—The ballots used in bond referenda shall include a printed description of the issuance of bonds to be voted on as prescribed by the authority calling the referendum. A separate statement of each issue of bonds to be approved, giving the amount of the bonds and interest rate thereon, together with other details necessary to inform the electors, shall be printed on the ballots in connection with the question "For Bonds" and "Against Bonds."

History.—s. 11, ch. 14715, 1931; CGL 1936 Supp. 457(11); s. 4, ch. 26870, 1951; s. 12, ch. 77-175; s. 4, ch. 2001-40.

Note.—Former s. 103.11.

100.342 Notice of special election or referendum.—In any special election or referendum not otherwise provided for, there must be at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality, or publication on the county's website as provided in s. 50.0311, the municipality's website, or the supervisor's website, as applicable. The publication must be made at least twice, once in the fifth week and once in the third week before the week in which the election or referendum is to be held. If the applicable website becomes unavailable or there is no newspaper of general circulation in the county, district, or municipality, the notice must be posted in no less than five places within the territorial limits of the county, district, or municipality.

History.—s. 1, ch. 59-335; s. 2, ch. 65-60; s. 12, ch. 77-175; s. 20, ch. 2023-120.

100.351 Referendum election; certificate of results to Department of State.—Whenever an election is held under a referendum provision of an act of the Legislature, the election officials of the governmental unit in which the election is held shall certify the results thereof to the Department of State, which shall enter such results upon the official record of the act requiring such election on file in the office of the Department of State.

History.—s. 1, ch. 25438, 1949; s. 4, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 12, ch. 77-175.

Note.—Former s. 99.59.

100.3605 Conduct of municipal elections.—

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

History.—s. 2, ch. 95-178.

100.361 Municipal recall.—

(1) APPLICATION; DEFINITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as "municipality," may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term "district" shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office pursuant to the procedures provided in this section. This method of removing members of the governing body of a municipality is in addition to any other method provided by state law.

(2) RECALL PETITION.—

(a) *Petition content.*—A petition shall contain the name of the person sought to be recalled and a statement of grounds for recall. The statement of grounds may not exceed 200 words, and the stated grounds are limited solely to those specified in paragraph (d). If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, a separate recall petition shall be prepared for each member sought to be recalled. Upon request, the content of a petition should be, but is not required to be, provided by the proponent in alternative formats.

(b) *Requisite signatures.*—

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but fewer than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but fewer than 5,000 registered electors, the petition shall be signed by at least 250 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but fewer than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but fewer than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

All signatures shall be obtained, as provided in paragraph (e), within a period of 30 days, and all signed and dated petition forms shall be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition.

(c) *Recall committee.*—Electors of the municipality or district making charges contained in the statement of grounds for recall, as well as those signing the recall petition, shall be designated as the recall committee. A specific person shall be designated in the petition as chair of the committee, and this person shall act for the committee. The recall committee and the officer being recalled are subject to the provisions of chapter 106.

(d) *Grounds for recall.*—The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following and must be contained in the petition:

1. Malfeasance;
2. Misfeasance;
3. Neglect of duty;
4. Drunkenness;
5. Incompetence;
6. Permanent inability to perform official duties; and
7. Conviction of a felony involving moral turpitude.

(e) *Signature process.*—Only electors of the municipality or district are eligible to sign the petition. Each elector signing a petition shall sign and date his or her name in ink or indelible pencil. Each petition shall contain appropriate lines for each elector's original signature, printed name, street address, city, county, voter registration number or date of birth, and date signed. The form shall also contain lines for an oath, to be executed by a witness who is to verify the fact that the witness saw each person sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the witness on the date indicated.

(f) *Filing of signed petitions.*—All signed petition forms shall be filed at the same time, no later than 30 days after the date on which the first signature is obtained on the petition. The person designated as chair of the committee shall file the signed petition forms with the auditor or clerk of the municipality or charter county, or his or her equivalent, hereinafter referred to as "clerk." The petition may not be amended after it is filed with the clerk.

(g) *Verification of signatures.*—

1. Immediately after the filing of the petition forms, the clerk shall submit such forms to the county supervisor of elections. No more than 30 days after the date on which all petition forms are submitted to the supervisor by the clerk, the supervisor shall promptly verify the signatures in accordance with s. 99.097, and determine whether the requisite number of valid signatures has been obtained for the petition. The committee seeking verification of the signatures shall pay in advance to the supervisor the sum of 10 cents for each signature checked or the actual cost of checking such signatures, whichever is less.

2. Upon filing with the clerk, the petition and all subsequent papers or forms required or permitted to be filed with the clerk in connection with this section must, upon request, be made available in alternative formats by the clerk.

3. If the supervisor determines that the petition does not contain the requisite number of verified and valid signatures, the clerk shall, upon receipt of such written determination, so certify to the governing body of the municipality or charter county and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

4. If the supervisor determines that the petition has the requisite number of verified and valid signatures, then the procedures outlined in subsection (3) must be followed.

(3) RECALL PETITION AND DEFENSE.—

(a) *Notice.*—Upon receipt of a written determination that the requisite number of signatures has been obtained, the clerk shall at once serve upon the person sought to be recalled a certified copy of the petition. Within 5 days after service, the person sought to be recalled may file with the clerk a defensive statement of not more than 200 words.

(b) *Content and preparation.*—Within 5 days after the date of receipt of the defensive statement or after the last date a defensive statement could have been filed, the clerk shall prepare a document entitled "Recall Petition and Defense." The "Recall Petition and Defense" shall consist of the recall petition, including copies of the originally signed petitions and counterparts. The "Recall Petition and Defense" must contain lines which conform to the provisions of paragraph

(2)(e), and the defensive statement or, if no defensive statement has been filed, a statement to that effect. The clerk shall make copies of the "Recall Petition and Defense" which are sufficient to carry the signatures of 30 percent of the registered electors. Immediately after preparing and making sufficient copies of the "Recall Petition and Defense," the clerk shall deliver the copies to the person designated as chair of the committee and take his or her receipt therefor.

(c) *Requisite signatures.*—Upon receipt of the "Recall Petition and Defense," the committee may circulate them to obtain the signatures of 15 percent of the electors. All signatures shall be obtained and all signed petition forms filed with the clerk no later than 60 days after delivery of the "Recall Petition and Defense" to the chair of the committee.

(d) *Signed petitions; request for striking name.*—The clerk shall assemble all signed petitions, check to see that each petition is properly verified by the oath of a witness, and submit such petitions to the county supervisor of elections. Any elector who signs a recall petition has the right to demand in writing that his or her name be stricken from the petition. A written demand signed by the elector shall be filed with the clerk, and, upon receipt of the demand, the clerk shall strike the name of the elector from the petition and place his or her initials to the side of the signature stricken. However, a signature may not be stricken after the clerk has delivered the "Recall Petition and Defense" to the supervisor for verification of the signatures.

(e) *Verification of signatures.*—Within 30 days after receipt of the signed "Recall Petition and Defense," the supervisor shall determine the number of valid signatures, purge the names withdrawn, and certify whether 15 percent of the qualified electors of the municipality have signed the petitions. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(f) *Reporting.*—If the supervisor determines that the requisite number of signatures has not been obtained, the clerk shall, upon receipt of such written determination, certify such determination to the governing body and retain the petitions. The proceedings shall be terminated, and the petitions shall not again be used. If the supervisor determines that at least 15 percent of the qualified electors signed the petition, the clerk shall, immediately upon receipt of such written determination, serve notice of that determination upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified electors who signed.

(4) RECALL ELECTION.—If the person designated in the petition files with the clerk, within 5 days after the last-mentioned notice, his or her written resignation, the clerk shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days or more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general or special election held within the period; but if no such election is to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.

(5) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall ____ be removed from the office of ____ by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

"__(name of person)__ should be removed from office."

"__(name of person)__ should not be removed from office."

(6) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

(a) If an election is held for the recall of members elected only at-large, candidates to succeed them for the unexpired terms shall be voted upon at the same election and shall be elected in the same manner as provided by the appropriate law for the election of candidates at general elections. Candidates shall not be elected to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge of the judicial circuit after consultation with the clerk. Any candidate seeking election to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) When an election is held for the recall of members of the governing body composed of both members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

(d) However, in any recall election held pursuant to paragraph (b) or paragraph (c), if only one member is voted to be removed from office, the vacancy created by the recall shall be filled by the governing body according to the provisions of the appropriate law for filling vacancies.

(7) EFFECT OF RESIGNATIONS.—If the member of the governing body being recalled resigns from office prior to the recall election, the remaining members shall fill the vacancy created according to the appropriate law for filling vacancies. If all of the members of the governing body are sought to be recalled and all of the members resign prior to the recall election, the recall election shall be canceled, and a special election shall be called to fill the unexpired terms of the resigning members. If all of the members of the governing body are sought to be recalled and any of the members resign prior to the recall election, the proceedings for the recall of members not resigning and the election of successors to fill the unexpired terms shall continue and have the same effect as though there had been no resignation.

(8) WHEN PETITION MAY BE FILED.—No petition to recall any member of the governing body of a municipality shall be filed until the member has served one-fourth of his or her term of office. No person removed by a recall, or resigning after a petition has been filed against him or her, shall be eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation.

(9) RETENTION OF PETITION.—The clerk shall preserve in his or her office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed.

(10) OFFENSES RELATING TO PETITIONS.—No person shall impersonate another, purposely write his or her name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he or she is not a qualified elector of the municipality. No person shall employ or pay another to accept employment or payment for circulating or witnessing a recall petition. Any person violating any of the provisions of this section commits a misdemeanor of the second degree and shall, upon conviction, be punished as provided by law.

(11) INTENT.—It is the intent of the Legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.

(12) PROVISIONS APPLICABLE.—The provisions of this act shall apply to cities and charter counties whether or not they have adopted recall provisions.

History.—ss. 1, 2, ch. 74-130; s. 1, ch. 77-174; s. 12, ch. 77-175; s. 1, ch. 77-279; s. 1, ch. 81-312; s. 20, ch. 83-217; s. 17, ch. 89-338; s. 15, ch. 90-315; s. 549, ch. 95-147; s. 14, ch. 95-280; s. 1, ch. 2000-249; s. 5, ch. 2001-40; s. 8, ch. 2002-281; s. 13, ch. 2008-95.

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election, provided the initiative petition has been filed with the Secretary of State no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that valid and verified petition forms have been signed by the constitutionally required number and distribution of electors under this code.

(2) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The Secretary of State shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

(3)(a) A person may not collect signatures or initiative petitions for compensation unless the person is registered as a petition circulator with the Secretary of State.

(b) A citizen may challenge a petition circulator's registration under this section by filing a petition in circuit court. If the court finds that the respondent is not a registered petition circulator, the court may enjoin the respondent from collecting signatures or initiative petitions for compensation until she or he is lawfully registered.

(4) An application for registration must be submitted in the format required by the Secretary of State and must include the following:

(a) The information required to be on the petition form under s. 101.161, including the ballot summary and title as approved by the Secretary of State.

(b) The applicant's name, permanent address, temporary address, if applicable, and date of birth.

(c) An address in this state at which the applicant will accept service of process related to disputes concerning the petition process, if the applicant is not a resident of this state.

(d) A statement that the applicant consents to the jurisdiction of the courts of this state in resolving disputes concerning the petition process.

(e) Any information required by the Secretary of State to verify the applicant's identity or address.

(5) All petitions collected by a petition circulator must contain, in a format required by the Secretary of State, a completed Petition Circulator's Affidavit which includes:

(a) The circulator's name and permanent address;

(b) The following statement, which must be signed by the circulator:

> By my signature below, as petition circulator, I verify that the petition was signed in my presence. Under penalties of perjury, I declare that I have read the foregoing Petition Circulator's Affidavit and the facts stated in it are true.

(6) The division or the supervisor of elections shall make hard copy petition forms or electronic portable document format petition forms available to registered petition circulators. All such forms must contain information identifying the petition circulator to which the forms are provided. The division shall maintain a database of all registered petition circulators and the petition forms assigned to each. Each supervisor of elections shall provide to the division information on petition forms assigned to and received from petition

circulators. The information must be provided in a format and at times as required by the division by rule. The division must update information on petition forms daily and make the information publicly available.

(7)(a) A sponsor that collects petition forms or uses a petition circulator to collect petition forms serves as a fiduciary to the elector signing the petition form, ensuring that any petition form entrusted to the petition circulator shall be promptly delivered to the supervisor of elections within 30 days after the elector signs the form. If a petition form collected by any petition circulator is not promptly delivered to the supervisor of elections, the sponsor is liable for the following fines:

1. A fine in the amount of $50 for each petition form received by the supervisor of elections more than 30 days after the elector signed the petition form or the next business day, if the office is closed. A fine in the amount of $250 for each petition form received if the sponsor or petition circulator acted willfully.

2. A fine in the amount of $500 for each petition form collected by a petition circulator which is not submitted to the supervisor of elections. A fine in the amount of $1,000 for any petition form not submitted if the sponsor or petition circulator acted willfully.

(b) A showing by the sponsor that the failure to deliver the petition form within the required timeframe is based upon force majeure or impossibility of performance is an affirmative defense to a violation of this subsection. The fines described in this subsection may be waived upon a showing that the failure to deliver the petition form promptly is based upon force majeure or impossibility of performance.

(8) If the Secretary of State reasonably believes that a person or entity has committed a violation of this section, the secretary may refer the matter to the Attorney General for enforcement. The Attorney General may institute a civil action for a violation of this section or to prevent a violation of this section. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

(9) The division shall adopt by rule a complaint form for an elector who claims to have had his or her signature misrepresented, forged, or not delivered to the supervisor. The division shall also adopt rules to ensure the integrity of the petition form gathering process, including rules requiring sponsors to account for all petition forms used by their agents. Such rules may require a sponsor or petition circulator to provide identification information on each petition form as determined by the department as needed to assist in the accounting of petition forms.

(10) The date on which an elector signs a petition form is presumed to be the date on which the petition circulator received or collected the petition form.

(11)(a) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid until the next February 1 occurring in an even-numbered year for the purpose of the amendment appearing on the ballot for the general election occurring in that same year, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the supervisor of elections for the county of residence listed by the person signing the form for verification of the number of valid signatures obtained. If a signature on a petition is from a registered voter in another county, the supervisor shall notify the petition sponsor of the misfiled petition. The supervisor shall promptly verify the signatures within 60 days after receipt of the petition forms and payment of a fee for the actual cost of signature verification incurred by the supervisor. However, for petition forms submitted less than 60 days before February 1 of an even-numbered year, the supervisor shall promptly verify the signatures within 30 days after receipt of the form and payment of the fee for signature verification. The supervisor shall promptly record, in the manner prescribed by the Secretary of State, the date each form is received by the supervisor, and the date the signature on the form is verified as valid. The supervisor may verify that the signature on a form is valid only if:

1. The form contains the original signature of the purported elector.

2. The purported elector has accurately recorded on the form the date on which he or she signed the form.

3. The form sets forth the purported elector's name, address, city, county, and voter registration number or date of birth.

4. The purported elector is, at the time he or she signs the form and at the time the form is verified, a duly qualified and registered elector in the state.

5. The signature was obtained legally, including that if a paid petition circulator was used, the circulator was validly registered under subsection (3) when the signature was obtained.

The supervisor shall retain all signature forms, separating forms verified as valid from those deemed invalid, for at least 1 year following the election for which the petition was circulated.

(b) Each supervisor shall post the actual cost of signature verification on his or her website and may increase such cost, as necessary, on February 2 of each even-numbered year. The division shall also publish each county's current cost on its website. The division and each supervisor shall biennially review available technology aimed at reducing verification costs.

(c) On the last day of each month, or on the last day of each week from December 1 of an odd-numbered year through February 1 of the following year, each supervisor shall post on his or her website the total number of signatures submitted, the total number of invalid signatures, the total number of signatures processed, and the aggregate number of verified valid signatures and the distribution of such signatures by congressional district for each proposed amendment proposed by initiative, along with the following information specific to the reporting period: the total number of signed petition forms received, the total number of signatures verified, the distribution of verified valid signatures by congressional district, and the total number of verified petition forms forwarded to the Secretary of State.

(12) The Secretary of State shall determine from the signatures verified by the supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional districts, and the division shall post such information on its website at the same intervals specified in paragraph (11)(c). Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161.

(13)(a) At the same time the Secretary of State submits an initiative petition to the Attorney General pursuant to s. 15.21, the secretary shall submit a copy of the initiative petition to the Financial Impact Estimating Conference. Within 75 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments and the overall impact to the state budget resulting from the proposed initiative. The 75-day time limit is tolled when the Legislature is in session. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State. If the initiative petition has been submitted to the Financial Impact Estimating Conference but the validity of signatures has expired and the initiative petition no longer qualifies for ballot placement at the ensuing general election, the Secretary of State must notify the Financial Impact Estimating Conference. The Financial Impact Estimating Conference is not required to complete an analysis and financial impact statement for an initiative petition that fails to meet the requirements of subsection (1) for placement on the ballot before the 75-day time limit, including any tolling period, expires. The initiative petition may be resubmitted to the Financial Impact Estimating Conference if the initiative petition meets the requisite criteria for a subsequent general election cycle. A new Financial Impact Estimating Conference shall be established at such time as the initiative petition again satisfies the criteria in s. 15.21(1).

(b) Immediately upon receipt of a proposed revision or amendment from the Secretary of State, the coordinator of the Office of Economic and Demographic Research shall contact the person identified as the sponsor to request an official list of all persons authorized to speak on behalf of the named sponsor and, if there is one, the sponsoring organization at meetings held by the Financial Impact Estimating Conference. All other persons shall be deemed interested parties or proponents or opponents of the initiative. The Financial Impact Estimating Conference shall provide an opportunity for any representatives of the sponsor, interested parties, proponents, or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research.

(c) All meetings of the Financial Impact Estimating Conference shall be open to the public. The President of the Senate and the Speaker of the House of Representatives, jointly, shall be the sole judge for the interpretation, implementation, and enforcement of this subsection.

1. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

2. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 150 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

3. If the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot: "The impact of this measure, if any, has not been determined at this time."

(d) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

1. If the financial impact statement projects a net negative impact on the state budget, the ballot must include the statement required by s. 101.161(1)(b).

2. If the financial impact statement projects a net positive impact on the state budget, the ballot must include the statement required by s. 101.161(1)(c).

3. If the financial impact statement estimates an indeterminate financial impact or if the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, the ballot must include the statement required by s. 101.161(1)(d).

(e)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact

Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include a copy of each summary from the initiative financial information statements and the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(14) The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(14).

(15) No provision of this code shall be deemed to prohibit a private person exercising lawful control over privately owned property, including property held open to the public for the purposes of a commercial enterprise, from excluding from such property persons seeking to engage in activity supporting or opposing initiative amendments.

History.—s. 15, ch. 79-365; s. 12, ch. 83-251; s. 30, ch. 84-302; s. 22, ch. 97-13; s. 9, ch. 2002-281; s. 3, ch. 2002-390; s. 3, ch. 2004-33; s. 28, ch. 2005-278; s. 4, ch. 2006-119; s. 25, ch. 2007-30; s. 1, ch. 2007-231; s. 14, ch. 2008-95; s. 23, ch. 2011-40; s. 3, ch. 2019-64; s. 3, ch. 2020-15; s. 13, ch. 2022-73.

CHAPTER 101

VOTING METHODS AND PROCEDURE

101.001 Precincts and polling places; boundaries.
101.002 Use of system by municipalities.
101.015 Standards for voting systems.
101.017 Bureau of Voting Systems Certification.
101.019 Ranked-choice voting prohibited.
101.021 Elector to vote the primary ballot of the political party in which he or she is registered.
101.031 Instructions for electors.
101.041 Secret voting.
101.043 Identification required at polls.
101.045 Electors must be registered in precinct; provisions for change of residence or name.
101.048 Provisional ballots.
101.049 Provisional ballots; special circumstances.
101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.
101.111 Voter challenges.
101.131 Watchers at polls.
101.151 Specifications for ballots.
101.161 Referenda; ballots.
101.171 Copy of constitutional amendment to be available at voting locations.
101.20 Publication of ballot form; sample ballots.
101.21 Official ballots; number; printing; payment.
101.23 Election inspector to keep list of those voting.
101.24 Ballot boxes and ballots.
101.2512 Candidates' names on general election ballots.
101.2515 Translation of ballot language.
101.252 Candidates entitled to have names printed on certain ballots; exception.
101.254 When nominated names to appear in groups or districts.
101.292 Definitions; ss. 101.292-101.295.
101.293 Competitive sealed bids and proposals required.
101.294 Purchase and sale of voting equipment.
101.295 Penalties for violation.
101.34 Custody of voting system.
101.341 Prohibited activities by voting system custodians and deputy custodians.
101.43 Substitute ballot.
101.49 Procedure of election officers where signatures differ.
101.51 Electors to occupy booth alone.
101.545 Retention and destruction of certain election materials.
101.5601 Short title.
101.5602 Purpose.
101.5603 Definitions relating to Electronic Voting Systems Act.
101.5604 Adoption of system; procurement of equipment; commercial tabulations.
101.56042 Punch card type systems prohibited.
101.5605 Examination and approval of equipment.
101.5606 Requirements for approval of systems.
101.56062 Standards for accessible voting systems.
101.56063 Accessibility of voting systems and polling places; intent; eligibility for federal funding.
101.56064 Application for federal funds under ch. 2002-281.
101.56065 Voting system defects; disclosure; investigations; penalties.
101.5607 Department of State to maintain voting system information; prepare software.
101.56075 Voting methods.
101.5608 Voting by electronic or electromechanical method; procedures.
101.5610 Inspection of ballot by election board.
101.5611 Instructions to electors.
101.5612 Testing of tabulating equipment.
101.5613 Examination of equipment during voting.
101.5614 Canvass of returns.
101.572 Public inspection of ballots.
101.58 Supervising and observing registration and election processes.
101.591 Voting system audit.
101.5911 Rulemaking authority for voting system audit procedures.
101.595 Analysis and reports of voting problems.
101.6101 Short title.
101.6102 Mail ballot elections; limitations.
101.6103 Mail ballot election procedure.
101.6104 Challenge of votes.
101.6105 Vote-by-mail voting.
101.6106 Application of other election laws.
101.6107 Department of State to adopt rules.
101.62 Request for vote-by-mail ballots.
101.64 Delivery of vote-by-mail ballots; envelopes; form.
101.65 Instructions to absent electors.
101.655 Supervised voting by absent electors in certain facilities.
101.657 Early voting.
101.661 Voting vote-by-mail ballots.
101.662 Accessibility of vote-by-mail ballots.
101.663 Electors; change of residence to another state.
101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.
101.67 Safekeeping of mailed ballots; deadline for receiving vote-by-mail ballots.
101.68 Canvassing of vote-by-mail ballot.
101.69 Voting in person; return of vote-by-mail ballot.
101.6921 Delivery of special vote-by-mail ballot to certain first-time voters.
101.6923 Special vote-by-mail ballot instructions for certain first-time voters.
101.6925 Canvassing special vote-by-mail ballots.

101.694 Mailing of ballots upon receipt of federal postcard application.
101.6951 State write-in vote-by-mail ballot.
101.6952 Vote-by-mail ballots for absent uniformed services and overseas voters.
101.697 Electronic transmission of election materials.
101.698 Absentee voting in emergency situations.
101.71 Polling place.
101.715 Accessibility of polling places for people having a disability.
101.731 Short title.
101.732 Definitions relating to Elections Emergency Act.
101.733 Election emergency; purpose; elections emergency contingency plan.
101.74 Temporary change of polling place in case of emergency.
101.75 Municipal elections; change of dates for cause.

101.001 Precincts and polling places; boundaries.—

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

(2) When in any election there are fewer than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts shall be given in the same manner as provided in s. 101.71(2).

(3)(a) Each supervisor of elections shall maintain a geographical information system map clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code. A supervisor may coordinate with other governmental entities to comply with this subsection.

(b) The supervisor of elections shall notify the Secretary of State in writing within 10 days after any reorganization of precincts and shall furnish a copy of the geographical information system compatible map showing the geographical boundaries and designation of each new precinct.

(c) Any precinct established or altered under this section must consist of areas bounded on all sides only by census block boundaries from the most recent United States Census. If the census block boundaries split or conflict with a municipal or other political subdivision boundary, the boundary listed below may be used as a precinct boundary:

1. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau; or

2. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

(4)(a) Within 10 days after there is any change in the division, name, number, or boundaries of the precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered precincts, setting forth the boundary lines and shall identify the location of each new or altered polling place. A copy of the document describing such changes must be posted at the supervisor's office.

(b) Any changes in the county precinct data shall be provided to the department within 10 days after a change.

(c) Precinct data shall include all precincts for which precinct-level election results and voting history results are reported.

History.—s. 10, ch. 3879, 1889; RS 164; s. 11, ch. 4328, 1895; GS 184; RGS 228; CGL 281; s. 2, ch. 24203, 1947; s. 6, ch. 25383, 1949; s. 2, ch. 26329, 1949; s. 2, ch. 26870, 1951; s. 4, ch. 29934, 1955; s. 3, ch. 57-166; s. 1, ch. 59-281; s. 1, ch. 67-169; s. 1, ch. 72-25; s. 3, ch. 73-155; s. 1, ch. 76-60; s. 1, ch. 76-121; s. 1, ch. 76-233; s. 4, ch. 77-175; s. 1, ch. 80-189; s. 11, ch. 80-292; s. 4, ch. 81-304; s. 26, ch. 84-302; s. 24, ch. 94-224; s. 1390, ch. 95-147; s. 54, ch. 97-13; s. 29, ch. 2005-278; s. 24, ch. 2011-40; s. 21, ch. 2023-120.

Note.—Former s. 98.23; s. 98.031.

101.002 Use of system by municipalities.—

(1) The board of county commissioners, with the concurrence of the supervisor of elections, may arrange the boundaries of the precincts in each municipality within the county to conform to the boundaries of the municipality, subject to the concurrence of the governing body of the municipality. All binders, files, and other equipment or materials necessary for the permanent registration system shall be furnished by the board of county commissioners.

(2) The supervisor of elections shall deliver the records required for a municipal election to the municipal elections boards or other appropriate elections officials before the election and collect them after the election. The municipality shall reimburse the county for the actual costs incurred.

(3) Any person who is a duly registered elector pursuant to this code and who resides within the boundaries of a municipality is qualified to participate in all municipal elections, the provisions of special acts or local charters notwithstanding. Electors who are not registered under the permanent registration system shall not be permitted to vote.

History.—s. 4, ch. 25391, 1949; s. 2, ch. 26870, 1951; s. 10, ch. 27991, 1953; s. 2, ch. 29761, 1955; s. 1, ch. 57-136; s. 1, ch. 63-268; s. 6, ch. 65-134; s. 2, ch. 73-155; s. 5, ch. 77-175; s. 31, ch. 94-224.

Note.—Former s. 97.04; s. 98.091.

101.015 Standards for voting systems.—

(1) The Department of State shall adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems. Such rules shall contain standards for:

(a) Functional requirements;

(b) Performance levels;

(c) Physical and design characteristics;

(d) Documentation requirements; and

(e) Evaluation criteria.

(2) Each odd-numbered year the Department of State shall review the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial.

(3) The Department of State shall adopt rules to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, including write-in voting, and of counting, tabulating, and recording votes by voting systems used in this state.

(4)(a) The Department of State shall adopt rules establishing minimum security standards for voting systems. The standards, at a minimum, must address the following:

1. Chain of custody of ballots, including a detailed description of procedures to create a complete written record of the chain of custody of ballots and paper outputs beginning with their receipt from a printer or manufacturer until such time as they are destroyed.

2. Transport of ballots, including a description of the method and equipment used and a detailed list of the names of all individuals involved in such transport.

3. Ballot security, including a requirement that all ballots be kept in a locked room in the supervisor's office, a facility controlled by the supervisor or county canvassing board, or a public place in which the county canvassing board is canvassing votes until needed for canvassing and returned thereafter.

(b)1. Each supervisor shall establish written procedures to assure accuracy and security in his or her county, including procedures related to early voting pursuant to s. 101.657. Such procedures shall be reviewed in each odd-numbered year by the department.

2. Each supervisor shall submit any revisions to the security procedures to the department at least 45 days before early voting commences pursuant to s. 101.657 in an election in which they are to take effect.

(5)(a) The Department of State shall adopt rules which establish standards for provisional approval of hardware and software for innovative use of electronic and electromechanical voting systems. Such rules shall contain standards for:

1. Functional requirements;

2. Performance levels;

3. Physical and design characteristics;

4. Documentation requirements;

5. Evaluation criteria;

6. Audit capabilities; and

7. Consideration of prior use of a system.

(b) A voting system shall be provisionally approved for a total of no more than 2 years, and the Department of State has the authority to revoke such approval. Provisional approval of a system shall not be granted by the Department of State to supersede certification requirements of this section.

(c)1. No provisionally approved system may be used in any election, including any municipal election, without the authorization of the Department of State.

2. An application for use of a provisionally approved system shall be submitted at least 120 days prior to the intended use by the supervisor of elections or municipal elections official. Such application shall request authorization for use of the system in a specific election. Each application shall state the election, the number of precincts, and the number of anticipated voters for which the system is requested for use.

3. The Department of State shall authorize or deny authorization of the use of the provisionally approved system for the specific election and shall notify the supervisor of elections or municipal elections official in writing of the authorization or denial of authorization, along with the reasons therefor, within 45 days after receipt of the application.

(d) A contract for the use of a provisionally approved system for a specific election may be entered into with the approval of the Department of State. No contract for title to a provisionally approved system may be entered into.

(e) The use of any provisionally approved system shall be valid for all purposes.

(6) All electronic and electromechanical voting systems purchased on or after January 1, 1990, must meet the minimum standards established under subsection (1). All electronic and electromechanical voting systems in use on or after July 1, 1993, must meet the minimum standards established under subsection (1) or subsection (5).

(7) The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine the will of the public with respect to voting systems.

History.—s. 4, ch. 89-348; s. 16, ch. 90-315; s. 551, ch. 95-147; s. 6, ch. 2001-40; s. 10, ch. 2004-252; s. 7, ch. 2019-162.

101.017 Bureau of Voting Systems Certification. There is created a Bureau of Voting Systems Certification within the Division of Elections of the Department of State which shall provide technical support to the supervisors of elections and which is responsible for voting system standards and certification. The positions necessary for the bureau to accomplish its duties shall be established through the budgetary process.

History.—s. 16, ch. 89-348; s. 20, ch. 90-315.
Note.—Former s. 102.1691.

101.019 Ranked-choice voting prohibited.—

(1) A ranked-choice voting method that allows voters to rank candidates for an office in order of

preference and has ballots cast to be tabulated in multiple rounds following the elimination of a candidate until a single candidate attains a majority may not be used in determining the election or nomination of any candidate to any local, state, or federal elective office in this state.

(2) Any existing or future ordinance enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this section is void.

History.—s. 14, ch. 2022-73; s. 24, ch. 2023-8.

101.021 Elector to vote the primary ballot of the political party in which he or she is registered.—In a primary election a qualified elector is entitled to vote the official primary election ballot of the political party designated in the elector's registration, and no other. It is unlawful for any elector to vote in a primary for any candidate running for nomination from a party other than that in which such elector is registered.

History.—s. 41, ch. 6469, 1913; RGS 345; CGL 402; s. 5, ch. 26870, 1951; s. 21, ch. 28156, 1953; s. 13, ch. 77-175; s. 552, ch. 95-147.

Note.—Former s. 102.40.

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration or identity is in question.
6. If his or her registration or identity is in question, cast a provisional ballot.
7. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
8. Vote free from coercion or intimidation by elections officers or any other person.
9. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state should:

1. Familiarize himself or herself with the candidates and issues.
2. Maintain with the office of the supervisor of elections a current address.
3. Know the location of his or her polling place and its hours of operation.
4. Bring proper identification to the polling station.
5. Familiarize himself or herself with the operation of the voting equipment in his or her precinct.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report any problems or violations of election laws to the supervisor of elections.
9. Ask questions, if needed.
10. Make sure that his or her completed ballot is correct before leaving the polling station.

NOTE TO VOTER: Failure to perform any of these responsibilities does not prohibit a voter from voting.

(3) Nothing in this section shall give rise to a legal cause of action.

(4) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

History.—s. 40, ch. 4328, 1895; s. 12, ch. 4537, 1897; GS 225; RGS 270; CGL 326; s. 1, ch. 25106, 1949; s. 5, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 25, ch. 77-104; s. 13, ch. 77-175; s. 31, ch. 79-400; s. 60, ch. 2001-40; s. 5, ch. 2002-17; s. 22, ch. 2005-277.

Note.—Former s. 99.24.

101.041 Secret voting.—In all elections held on any subject which may be submitted to a vote, and for all or any state, county, district, or municipal officers, the voting shall be by secret, official ballot as provided by this code, and no vote shall be received or counted in any election, except as prescribed by this code.

History.—s. 24, ch. 3879, 1889; RS 178; s. 28, ch. 4328, 1895; GS 210; RGS 254; CGL 310; s. 3, ch. 17898, 1937; s. 5, ch. 26870, 1951; s. 13, ch. 77-175; s. 15, ch. 2008-95.

Note.—Former s. 99.08.

101.043 Identification required at polls.—

(1)(a) 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 before 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:

1. Florida driver license.
2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
3. United States passport.

4. Debit or credit card.
5. Military identification.
6. Student identification.
7. Retirement center identification.
8. Neighborhood association identification.
9. Public assistance identification.
10. Veteran health identification card issued by the United States Department of Veterans Affairs.
11. A license to carry a concealed weapon or firearm issued pursuant to s. 790.06.
12. Employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.

(b) If the picture identification does not contain the signature of the elector, an additional identification that provides the elector's signature shall be required. The address appearing on the identification presented by the elector may not be used as the basis to challenge an elector's legal residence. The elector shall sign his or her name in the space provided on the precinct register or on an electronic device provided for recording the elector's signature. The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided on the precinct register or on an electronic device provided for that purpose and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(2) If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

History.—s. 1, ch. 77-267; s. 533, ch. 95-147; s. 10, ch. 98-129; s. 3, ch. 2001-40; s. 13, ch. 2003-415; s. 23, ch. 2005-277; s. 30, ch. 2005-278; s. 26, ch. 2007-30; s. 25, ch. 2011-40; s. 2, ch. 2016-167; s. 15, ch. 2022-73.

Note.—Former s. 98.471.

101.045 Electors must be registered in precinct; provisions for change of residence or name.—

(1) A person is not permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence and in which the person is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located when the person has no permanent address in the county and it is the person's intention to remain a resident of Florida and of the county in which he or she is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

(2)(a) An elector who moves from the precinct in which the elector is registered may vote in the precinct to which he or she has moved his or her legal residence, if the change of residence is within the same county or the precinct to which the elector has moved his or her legal residence is within a county that uses an electronic database as a precinct register at the polling place, and the elector completes an affirmation in substantially the following form:

Change of Legal Residence
of Registered Voter

Under penalties for false swearing, I, (Name of voter), swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of ____, in ____ County, Florida, and I was registered to vote in the ____ precinct of ____ County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of ____, in ____ County, Florida, and am therefore eligible to vote in the ____ precinct of ____ County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) Except for an active uniformed services voter or a member of his or her family and except for an elector who has moved his or her legal residence to a precinct within a county that uses an electronic database as a precinct register at the polling place, an elector whose change of address is from outside the county may not change his or her legal residence at the polling place and must vote a provisional ballot.

(c) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name
of Registered Voter

Under penalties for false swearing, I, (New name of voter), swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration records of precinct ____ as follows:

Name _____
Address _____
Municipality _____
County _____
Florida, Zip _____

My present name and address of legal residence are as follows:

Name _____
Address _____
Municipality _____
County _____
Florida, Zip _____

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(d) Instead of the affirmation contained in paragraph (a) or paragraph (c), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) Such affirmation or application, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's

registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation or application certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the statewide voter registration system to indicate the change in address of legal residence or name of such elector.

History.—s. 13, ch. 3879, 1889; RS 167; s. 15, ch. 4328, 1895; GS 192; RGS 236; CGL 289; s. 4, ch. 24203, 1947; s. 11, ch. 25035, 1949; s. 1, ch. 26870, 1951; s. 4, ch. 28156, 1953; s. 7, ch. 65-60; s. 1, ch. 71-307; s. 3, ch. 77-175; s. 6, ch. 78-403; s. 4, ch. 80-292; s. 5, ch. 89-338; s. 20, ch. 94-224; s. 1391, ch. 95-147; s. 36, ch. 2001-40; s. 31, ch. 2005-278; s. 16, ch. 2008-95; s. 26, ch. 2011-40; s. 4, ch. 2013-57.

Note.—Former s. 98.32; s. 97.091.

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, including, but not limited to, a person to whom notice has been sent pursuant to s. 98.075(7), but for whom a final determination of eligibility has not been made, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot must be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot must be deposited in a ballot box. All provisional ballots must remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. A person casting a provisional ballot has the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later than 5 p.m. on the second day following the election.

(2)(a) The county canvassing board shall examine each Provisional Ballot Voter's Certificate and Affirmation to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election. In determining whether a person casting a provisional ballot is entitled to vote, the county canvassing board shall review the information provided in the Voter's Certificate and Affirmation, written evidence provided by the person pursuant to subsection (1), information provided in any cure affidavit and accompanying supporting documentation pursuant to subsection (6), any other evidence presented by the supervisor, and, in the case of a challenge, any evidence presented by the challenger. A ballot of a person casting a provisional ballot shall be canvassed pursuant to paragraph (b) unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote.

(b) If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board must compare the signature on the Provisional Ballot Voter's Certificate and Affirmation or the provisional ballot cure affidavit with the signature on the voter's registration or precinct register. A provisional ballot may be counted only if:

1. The signature on the voter's certificate or the cure affidavit matches the elector's signature in the registration books or the precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (6) must also confirm the identity of the elector; or

2. The cure affidavit contains a signature that does not match the elector's signature in the registration books or the precinct register, but the elector has submitted a current and valid Tier 1 form of identification confirming his or her identity pursuant to subsection (6).

For purposes of this paragraph, any canvassing board finding that signatures do not match must be by majority vote and beyond a reasonable doubt.

(c) Any provisional ballot not counted must remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

(d) If a provisional ballot is validated following the submission of a cure affidavit, the supervisor must make a copy of the affidavit, affix it to a voter registration application, and immediately process it as a valid request for a signature update pursuant to s. 98.077.

(3) The Provisional Ballot Voter's Certificate and Affirmation shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF ____

I do solemnly swear (or affirm) that my name is ____; that my date of birth is ____; that I am registered and qualified to vote in ____ County, Florida; that I am registered in the ____ Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. Further, by providing my information below, I authorize the use of e-mail, text message, and telephone call for the limited purpose of signature and ballot validation.

(Printed Name of Voter)
(Signature of Voter)
(Current Residence Address)
(Current Mailing Address)
(City, State, Zip Code)
(Driver License Number or Last Four Digits of Social Security Number)
(E-Mail Address)
(Home Telephone Number)
(Mobile Telephone Number)

Sworn to and subscribed before me this ____ day of _____, (year).
(Election Official)

Precinct # ____ Ballot Style/Party Issued: ____

(4) Notwithstanding the requirements of subsections (1), (2), and (3), the supervisor of elections may,

and for persons with disabilities shall, provide the appropriate provisional ballot to the voter by electronic means that meet the requirements of s. 101.56062, as provided for by the certified voting system. Each person casting a provisional ballot by electronic means shall, prior to casting his or her ballot, complete the Provisional Ballot Voter's Certificate and Affirmation as provided in subsection (3).

(5) Each person casting a provisional ballot shall be given written instructions regarding the person's right to provide the supervisor with written evidence of his or her eligibility to vote and regarding the free access system established pursuant to subsection (7). The instructions must contain the supervisor's contact information along with information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6)(a) As soon as practicable, the supervisor shall, on behalf of the county canvassing board, attempt to notify an elector who has submitted a provisional ballot that does not include the elector's signature or contains a signature that does not match the elector's signature in the registration books or precinct register by:

1. Notifying the elector of the signature deficiency by e-mail and directing the elector to the cure affidavit and instructions on the supervisor's website;

2. Notifying the elector of the signature deficiency by text message and directing the elector to the cure affidavit and instructions on the supervisor's website; or

3. Notifying the elector of the signature deficiency by telephone and directing the elector to the cure affidavit and instructions on the supervisor's website.

In addition to the notification required under subparagraph 1., subparagraph 2., or subparagraph 3., the supervisor must notify the elector of the signature deficiency by first-class mail and direct the elector to the cure affidavit and instructions on the supervisor's website. Beginning the day before the election, the supervisor is not required to provide notice of the signature deficiency by first-class mail, but shall continue to provide notice as required in subparagraph 1., subparagraph 2., or subparagraph 3.

(b) Until 5 p.m. on the 2nd day after an election, the supervisor shall allow an elector who has submitted a provisional ballot with a signature deficiency to complete and submit a cure affidavit.

(c) The elector must complete a cure affidavit in substantially the following form:

PROVISIONAL BALLOT CURE AFFIDAVIT

I, ____, am a qualified voter in this election and a registered voter of ____ County, Florida. I do solemnly swear or affirm that I voted a provisional ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I may be convicted of a felony of the third degree, fined up to $5,000, and imprisoned for up to 5 years. I understand that my failure to sign this affidavit will invalidate my ballot.

(Voter's Signature)

(Address)

(d) Instructions must accompany the cure affidavit in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to cure the missing signature or the signature discrepancy on your Provisional Ballot Voter's Certificate and Affirmation, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the 2nd day after the election.

2. You must sign your name on the line above (Voter's Signature).

3. You must make a copy of one of the following forms of identification:

a. Tier 1 identification.—Current and valid identification that includes your name and photograph: Florida driver license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; Florida license to carry a concealed weapon or firearm; or employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality; or

b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1 FORM OF IDENTIFICATION, identification that shows your name and current residence address: current utility bill; bank statement; government check; paycheck; or government document (excluding voter information card).

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail (if time permits), deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of elections. Be sure there is sufficient postage if mailed and that the supervisor's address is correct. Remember, your information MUST reach your county supervisor of elections no later than 5 p.m. on the 2nd day following the election or your ballot will not count.

5. Alternatively, you may fax or e-mail your completed affidavit and a copy of your identification to the supervisor of elections. If e-mailing, please provide these documents as attachments.

6. Submitting a provisional ballot affidavit does not establish your eligibility to vote in this election or

guarantee that your ballot will be counted. The county canvassing board determines your eligibility to vote through information provided on the Provisional Ballot Voter's Certificate and Affirmation, written evidence provided by you, including information in your cure affidavit along with any supporting identification, and any other evidence presented by the supervisor of elections or a challenger. You may still be required to present additional written evidence to support your eligibility to vote.

(e) The department and each supervisor shall include the affidavit and instructions on their respective websites. The supervisor shall include his or her office mailing address, e-mail address, and fax number on the page containing the affidavit instructions, and the department's instruction page shall include the office mailing addresses, e-mail addresses, and fax numbers of all supervisors or provide a conspicuous link to such addresses.

(f) The supervisor shall attach each affidavit received to the appropriate provisional ballot envelope containing the Provisional Ballot Voter's Certificate and Affirmation.

(7)(a) Each supervisor shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

(b) Unless processed as a signature update pursuant to subsection (2), the supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature if the signature on the voter's certificate or cure affidavit did not match the elector's signature in the registration books or precinct register.

History.—s. 35, ch. 2001-40; s. 6, ch. 2002-17; s. 15, ch. 2003-415; s. 24, ch. 2005-277; s. 32, ch. 2005-278; s. 27, ch. 2007-30; s. 8, ch. 2019-162; s. 22, ch. 2023-120.

101.049 Provisional ballots; special circumstances.—

(1) Any person who votes in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours must vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The election official witnessing the voter's subscription and affirmation on the Provisional Ballot Voter's Certificate shall indicate whether or not the voter met all requirements to vote a regular ballot at the polls. All such provisional ballots shall remain sealed in their envelopes and be transmitted to the supervisor of elections.

(2) Separate and apart from all other ballots, the county canvassing board shall count all late-voted provisional ballots that the canvassing board determines to be valid.

(3) The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots during the canvassing process or at any other time they are statutorily required to be in the supervisor's possession.

(4) This section shall not apply to voters in line at the poll-closing time provided in s. 100.011 who cast their ballots subsequent to that time.

(5) As an alternative, provisional ballots cast pursuant to this section may, and for persons with disabilities shall, be cast in accordance with the provisions of s. 101.048(4).

History.—s. 16, ch. 2003-415; s. 3, ch. 2004-5; s. 25, ch. 2005-277.

101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.

(1) Any elector applying to vote in any election who requires assistance to vote by reason of blindness, disability, or inability to read or write may request the assistance of two election officials or some other person of the elector's own choice, other than the elector's employer, an agent of the employer, or an officer or agent of his or her union, to assist the elector in casting his or her vote. Any such elector, before retiring to the voting booth, may have one of such persons read over to him or her, without suggestion or interference, the titles of the offices to be filled and the candidates therefor and the issues on the ballot. After the elector requests the aid of the two election officials or the person of the elector's choice, they shall retire to the voting booth for the purpose of casting the elector's vote according to the elector's choice.

(2) It is unlawful for any person to be in the voting booth with any elector except as provided in subsection (1). A person at a polling place, a secure ballot intake station location, or an early voting site, or within 150 feet of a secure ballot intake station location or the entrance of a polling place or an early voting site, may not solicit any elector in an effort to provide assistance to vote pursuant to subsection (1). Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any elector applying to cast a vote-by-mail ballot in the office of the supervisor, in any election, who requires assistance to vote by reason of blindness, disability, or inability to read or write may request the assistance of some person of his or her own choice, other than the elector's employer, an agent of the employer, or an officer or agent of his or her union, in casting his or her vote-by-mail ballot.

(4) If an elector needs assistance in voting pursuant to the provisions of this section, the clerk or one of the inspectors shall require the elector requesting assistance in voting to take the following oath:

DECLARATION TO SECURE ASSISTANCE

State of Florida
County of ____
Date ____
Precinct ____

I, (Print name), swear or affirm that I am a registered elector and request assistance from (Print names) in voting at the (name of election) held on (date of election).

(Signature of voter)

Sworn and subscribed to before me this ____ day of ____, (year) .

(Signature of Official Administering Oath)

(5) If an elector needing assistance requests that a person other than an election official provide him or her with assistance in voting, the clerk or one of the inspectors shall require the person providing assistance to take the following oath:

DECLARATION TO PROVIDE ASSISTANCE

State of Florida
County of ____
Date ____
Precinct ____

I, (Print name) , have been requested by (print name of elector needing assistance) to provide him or her with assistance to vote. I swear or affirm that I am not the employer, an agent of the employer, or an officer or agent of the union of the voter and that I have not solicited this voter at the polling place, secure ballot intake station location, or early voting site or within 150 feet of such locations in an effort to provide assistance.

(Signature of assistor)

Sworn and subscribed to before me this ____ day of ____, (year) .

(Signature of Official Administering Oath)

(6) The supervisor of elections shall deliver a sufficient number of these forms to each precinct, along with other election paraphernalia.

History.—s. 3, ch. 22018, 1943; s. 5, ch. 26870, 1951; s. 2, ch. 59-446; s. 2, ch. 65-60; s. 1, ch. 65-380; s. 13, ch. 77-175; s. 2, ch. 79-366; s. 31, ch. 84-302; s. 12, ch. 85-226; s. 553, ch. 95-147; s. 8, ch. 99-6; s. 10, ch. 2002-281; s. 26, ch. 2005-277; s. 9, ch. 2006-1; s. 9, ch. 2016-37; s. 16, ch. 2021-11; s. 16, ch. 2022-73.

Note.—Former s. 100.36.

101.111 Voter challenges.—

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

OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of ____

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

_____

_____

(Signature of person challenging voter)

Sworn and subscribed to before me this ____ day of ____, (year) .

(Clerk of election)

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

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

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

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

History.—s. 43, ch. 4328, 1895; GS 227; s. 43, ch. 6469, 1913; RGS 272, 347; CGL 328, 404; s. 5, ch. 26870, 1951; s. 10, ch. 27991, 1953; s. 23, ch. 28156, 1953; s. 4, ch. 65-380; s. 13, ch. 77-175; s. 554, ch. 95-147; s. 9, ch. 99-6; s. 17, ch. 2003-415; s. 27, ch. 2005-277; s. 10, ch. 2006-1; s. 17, ch. 2008-95; s. 4, ch. 2010-167.

Note.—Former ss. 99.26, 102.42.

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. The poll

watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters. Each poll watcher shall be a qualified and registered elector of the county in which he or she serves.

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the supervisors of elections, on a form prescribed by the division, before noon of the second Tuesday preceding the election poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the supervisor of elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for polling rooms shall be approved by the supervisor of elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the supervisor of elections no later than 7 days before early voting begins. The supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling rooms or early voting areas. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

(3) No candidate or sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.

(4) All poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided in this section.

(5) The supervisor of elections shall provide to each designated poll watcher an identification badge which identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while performing his or her duties.

History.—s. 3-D, ch. 22018, 1943; s. 5, ch. 26870, 1951; s. 18, ch. 29934, 1955; s. 6, ch. 65-380; s. 13, ch. 77-175; s. 3, ch. 87-184; s. 14, ch. 87-363; s. 18, ch. 89-338; s. 555, ch. 95-147; s. 61, ch. 2001-40; s. 28, ch. 2005-277; s. 27, ch. 2011-40; s. 17, ch. 2021-11.

Note.—Former s. 100.45.

101.151 Specifications for ballots.—

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

(b) Polling places and early voting sites may employ a ballot-on-demand production system to print individual marksense ballots, including provisional ballots, for eligible electors. Ballot-on-demand technology may be used to produce marksense vote-by-mail and election-day ballots.

(2)(a) The ballot must include the following office titles above the names of the candidates for the respective offices in the following order:

1. The office titles of President and Vice President above the names of the candidates for President and Vice President of the United States nominated by the political party that received the highest vote for Governor in the last general election of the Governor in this state, followed by the names of other candidates for President and Vice President of the United States who have been properly nominated.

2. The office titles of United States Senator and Representative in Congress.

3. The office titles of Governor and Lieutenant Governor; Attorney General; Chief Financial Officer; Commissioner of Agriculture; State Attorney, with the applicable judicial circuit; and Public Defender, with the applicable judicial circuit.

4. The office titles of State Senator and State Representative, with the applicable district for the office printed beneath.

5. The office titles of Clerk of the Circuit Court or, when the Clerk of the Circuit Court also serves as the County Comptroller, Clerk of the Circuit Court and Comptroller, when authorized by law; Clerk of the County Court, when authorized by law; Sheriff; Property Appraiser; Tax Collector; District Superintendent of Schools; and Supervisor of Elections.

6. The office titles of Board of County Commissioners, with the applicable district printed beneath each office, and such other county and district offices as are involved in the election, in the order fixed by the Department of State, followed, in the year of their election, by “Party Offices,” and thereunder the offices of state and county party executive committee members.

(b) In a general election, in addition to the names printed on the ballot, a blank space shall be provided under each office for which a write-in candidate has qualified. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

(c) When more than one candidate is nominated for office, the candidates for such office shall qualify and run in a group or district, and the group or district number shall be printed beneath the name of the office. Each nominee of a political party chosen in a primary shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

(d) If in any election all the offices as set forth in paragraph (a) are not involved, those offices not to be filled shall be omitted and the remaining offices shall be arranged on the ballot in the order named.

(3)(a) The names of the candidates of the party that received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first for each office on the general election ballot, together with an appropriate abbreviation of the party name; the names of the candidates of the party that received the second highest vote for Governor shall be placed second for each office, together with an appropriate abbreviation of the party name.

(b) Minor political party candidates shall have their names appear on the general election ballot following the names of recognized political parties, in the same order as they were qualified, followed by the names of candidates with no party affiliation, in the order as they were qualified.

(4)(a) The names of candidates for each office shall be arranged alphabetically as to surnames on a primary election ballot.

(b) When two or more candidates running for the same office on an election ballot have the same or a similar surname, the word "incumbent" must appear next to the incumbent's name.

(5) The primary election ballot shall be arranged so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor, if applicable.

(6) The general election ballot shall be arranged so that the offices of President and Vice President are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for President and Vice President and so that the offices of Governor and Lieutenant Governor are joined in a single voting space to allow each elector to cast a single vote for the joint candidacies for Governor and Lieutenant Governor.

(7) Except for justices or judges seeking retention, the names of unopposed candidates shall not appear on the general election ballot. Each unopposed candidate shall be deemed to have voted for himself or herself.

(8) In counties subject to multi-language ballot requirements, the supervisor may petition the United States Department of Justice for authorization for the supervisor to print and deliver single-language ballots for each minority language required.

(9)(a) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:

1. The ballot title followed by clear and unambiguous ballot instructions and directions limited to a single location on the ballot, either:

a. Centered across the top of the ballot; or

b. In the leftmost column, with no individual races in that column unless it is the only column on the ballot;

2. Individual race layout; and

3. Overall ballot layout.

(b) The rules must graphically depict a sample uniform primary and general election ballot form for each certified voting system.

History.—s. 35, ch. 4328, 1895; GS 219; s. 1, ch. 5612, 1907; RGS 264; CGL 320; s. 5, ch. 17898, 1937; ss. 2, 3, ch. 25187, 1949; s. 5, ch. 26870, 1951; s. 3, ch. 29937, 1955; s. 1, ch. 57-235; s. 2, ch. 59-334; s. 1, ch. 65-52; s. 2, ch. 65-60; s. 8, ch. 65-380; s. 4, ch. 67-386; ss. 10, 35, ch. 69-106; s. 8, ch. 69-281; s. 1, ch. 69-380; s. 37, ch. 73-333; s. 1, ch. 77-102; s. 13, ch. 77-175; s. 33, ch. 79-400; s. 6, ch. 81-105; s. 11, ch. 81-304; s. 9, ch. 82-143; s. 20, ch. 89-338; s. 556, ch. 95-147; s. 14, ch. 99-318; s. 11, ch. 99-326; s. 14, ch. 99-355; s. 7, ch. 2001-40; s. 7, ch. 2002-17; s. 29, ch. 2005-277; s. 5, ch. 2007-30; s. 28, ch. 2011-40; s. 5, ch. 2013-57; s. 6, ch. 2013-109; s. 10, ch. 2016-37; s. 9, ch. 2019-162; s. 17, ch. 2022-73; s. 23, ch. 2023-120.

Note.—Former ss. 99.18, 99.171.

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every constitutional amendment proposed by initiative, the ballot shall include, following the ballot summary, in the following order:

(a) A separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(13).

(b) If the financial impact statement projects a net negative impact on the state budget, the following statement in bold print:

THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY RESULT IN HIGHER TAXES OR A LOSS OF GOVERNMENT SERVICES IN ORDER TO MAINTAIN A BALANCED STATE BUDGET AS REQUIRED BY THE CONSTITUTION.

(c)1. If the financial impact statement projects a net positive impact on the state budget resulting in whole or in part from additional tax revenue, the following statement in bold print:

THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE A NET POSITIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY RESULT IN GENERATING ADDITIONAL REVENUE OR AN INCREASE IN GOVERNMENT SERVICES.

2. If the financial impact statement projects a net positive impact on the state budget for reasons other than those specified in subparagraph 1., the following statement in bold print:

THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE A NET POSITIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY RESULT IN LOWER TAXES OR AN INCREASE IN GOVERNMENT SERVICES.

(d) If the financial impact statement is indeterminate or the members of the Financial Impact Estimating Conference are unable to agree on the financial impact statement, the following statement in bold print:

THE FINANCIAL IMPACT OF THIS AMENDMENT CANNOT BE DETERMINED DUE TO AMBIGUITIES AND UNCERTAINTIES SURROUNDING THE AMENDMENT'S IMPACT.

The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. This subsection does not apply

to constitutional amendments or revisions proposed by joint resolution.

(2) The ballot summary and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification and in accordance with rules adopted by the Department of State. The Department of State shall furnish the designating number, the ballot title, and, unless otherwise specified in a joint resolution, the ballot summary of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

(3)(a) Each joint resolution that proposes a constitutional amendment or revision shall include one or more ballot statements set forth in order of priority. Each ballot statement shall consist of a ballot title, by which the measure is commonly referred to or spoken of, not exceeding 15 words in length, and a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language. If a joint resolution that proposes a constitutional amendment or revision contains only one ballot statement, the ballot summary may not exceed 75 words in length. If a joint resolution that proposes a constitutional amendment or revision contains more than one ballot statement, the first ballot summary, in order of priority, may not exceed 75 words in length.

(b) The Department of State shall furnish a designating number pursuant to subsection (2) and the appropriate ballot statement to the supervisor of elections of each county. The ballot statement shall be printed on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the amendment or revision and a "no" vote will indicate rejection.

(c)1. Any action for a judicial determination that one or more ballot statements embodied in a joint resolution are defective must be commenced by filing a complaint or petition with the appropriate court within 30 days after the joint resolution is filed with the Secretary of State. The complaint or petition shall assert all grounds for challenge to each ballot statement. Any ground not asserted within 30 days after the joint resolution is filed with the Secretary of State is waived.

2. The court, including any appellate court, shall accord an action described in subparagraph 1. priority over other pending cases and render a decision as expeditiously as possible. If the court finds that all ballot statements embodied in a joint resolution are defective and further appeals are declined, abandoned, or exhausted, unless otherwise provided in the joint resolution, the Attorney General shall, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court, and the Department of State shall furnish a designating number and the revised ballot title or ballot summary to the supervisor of elections of each county for placement on the ballot. The revised ballot summary may exceed 75 words in length. The court shall retain jurisdiction over challenges to a revised ballot title or ballot summary prepared by the Attorney General, and any challenge to a revised ballot title or ballot summary must be filed within 10 days after a revised ballot title or ballot summary is submitted to the Department of State.

(4)(a) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (b) or paragraph (c) and the ballot for any county must contain the statement in paragraph (d) or paragraph (e).

(b) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall the method of selecting circuit court judges in the __(number of the circuit)__ judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(c) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall the method of selecting circuit court judges in the __(number of the circuit)__ judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(d) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall the method of selecting county court judges in __(name of county)__ be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall the method of selecting county court judges in __(name of the county)__ be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

History.—s. 34, ch. 4328, 1895; GS 218; RGS 262; CGL 318; ss. 1-11, ch. 16180, 1933; s. 1, ch. 16877, 1935; s. 4, ch. 17898, 1937; s. 1, ch. 22626, 1945; s. 5, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 1, ch. 73-7; s. 13, ch. 77-175; s. 16, ch. 79-365; s. 2, ch. 80-305; s. 32, ch. 84-302; s. 11, ch. 90-203; s. 10, ch. 99-355; s. 1, ch. 2000-361; s. 4, ch. 2001-75; s. 5, ch. 2002-390; s. 5, ch. 2004-33; s. 11, ch. 2005-2; s. 33, ch. 2005-278; s. 29, ch. 2011-40; s. 6, ch. 2013-57; s. 16, ch. 2020-2; s. 4, ch. 2020-15.

Note.—Former s. 99.16.

101.171 Copy of constitutional amendment to be available at voting locations.—Whenever any amendment to the State Constitution is to be voted upon at any election, the Department of State shall have printed and shall furnish to each supervisor of elections a sufficient number of copies of the amendment either in poster or booklet form, and the supervisor shall provide a copy in a designated area of each polling location as determined by the supervisor.

History.—s. 1, ch. 5405, 1905; RGS 263; CGL 319; s. 5, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 13, ch. 77-175; s. 30, ch. 2005-277; s. 5, ch. 2020-15.

Note.—Former s. 99.17.

101.20 Publication of ballot form; sample ballots.—

(1) Two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at that polling place on election day. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

(2)(a) Upon completion of the list of qualified candidates, a sample ballot shall be published by the supervisor in a newspaper of general circulation in the county, before the day of election.

(b) In lieu of the publication required under paragraph (a), a supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before an election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. If an e-mail address has not been provided, or if the elector has not opted for electronic delivery, a sample ballot may be mailed to each registered elector or to each household in which there is a registered elector at least 7 days before an election.

History.—s. 5, ch. 26870, 1951; s. 8, ch. 57-166; s. 9, ch. 65-380; s. 1, ch. 75-174; s. 16, ch. 77-175; s. 2, ch. 2013-192; s. 12, ch. 2019-162.

101.21 Official ballots; number; printing; payment.—Where applicable, the supervisor of elections shall determine the actual number of ballots to be printed. The printing and delivery of ballots and cards of instruction shall, in a municipal election, be paid for by the municipality, and in all other elections by the county.

History.—ss. 29, 37, ch. 4328, 1895; s. 11, ch. 4537, 1897; GS 211, 222; RGS 255, 267; CGL 311, 323; s. 7, ch. 17898, 1937; s. 2, ch. 24088, 1947; s. 7, ch. 25384, 1949; s. 5, ch. 26870, 1951; s. 10, ch. 65-380; s. 1, ch. 69-281; s. 20, ch. 71-355; s. 16, ch. 77-175; s. 34, ch. 79-400; s. 1, ch. 80-292; s. 48, ch. 81-259; s. 8, ch. 2001-40.

Note.—Former ss. 99.09, 99.21.

101.23 Election inspector to keep list of those voting.—When any person has been admitted to vote, the person's name shall be checked by the clerk or one of the inspectors at the place indicated upon the registration books or voter history form provided by the supervisor. One of the inspectors shall, at the same time, keep a poll list containing names of electors who have voted or a list of registered electors, on which those electors who have voted are indicated. Such lists shall be available for inspection during regular voting hours by poll watchers designated and appointed pursuant to s. 101.131, except that the election inspector may regulate access to the lists so as to ensure that such inspection does not unreasonably interfere with the orderly operation of the polling place.

History.—s. 58, ch. 4328, 1895; GS 236; RGS 281; CGL 337; s. 5, ch. 26870, 1951; s. 24, ch. 28156, 1953; s. 11, ch. 65-380; s. 16, ch. 77-175; s. 559, ch. 95-147; s. 18, ch. 2008-95.

Note.—Former s. 99.37.

101.24 Ballot boxes and ballots.—The supervisor of elections shall prepare for each polling place one ballot box of sufficient size to contain all the ballots of the particular precinct, and the ballot box shall be plainly marked with the name of the precinct for which it is intended. An additional ballot box, if necessary, may be supplied to any precinct. Before each election, the supervisor shall place in the ballot box or ballot transfer container as many ballots as are required in s. 101.21. After securely sealing the ballot box or ballot transfer container, the supervisor shall send the ballot box or ballot transfer container to the clerk or inspector of election of the precinct in which it is to be used. The clerk or inspector shall be placed under oath or affirmation to perform his or her duties faithfully and without favor or prejudice to any political party.

History.—s. 26, ch. 3879, 1889; RS 180; s. 7, ch. 4328, 1895; s. 7, ch. 4537, 1897; GS 203; RGS 247; CGL 303; s. 1, ch. 17898, 1937; s. 1, ch. 24088, 1947; s. 11, ch. 25035, 1949; s. 1, ch. 25384, 1949; s. 5, ch. 26870, 1951; s. 12, ch. 65-380; s. 16, ch. 77-175; s. 2, ch. 86-200; s. 560, ch. 95-147; s. 9, ch. 2001-40.

Note.—Former s. 99.02.

101.2512 Candidates' names on general election ballots.—

(1) The supervisor of elections shall print on the general election ballot the names of candidates nominated by primary election or special primary election or the names of candidates selected by the appropriate executive committee of any political party pursuant to the requirements of this code.

(2) In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections shall print on the general election ballot the names of each nonpartisan candidate, minor party candidate, or candidate with no party affiliation who has obtained a position on the general election ballot in compliance with the requirements of this code.

History.—s. 8, ch. 2002-17.

101.2515 Translation of ballot language.—Upon the request of a supervisor of elections made no later than 60 days prior to the date of a general election, the Department of State shall provide a written translation of a statewide ballot issue in the language of any language minority group specified in the provisions of s. 203 of the Voting Rights Act of 1965, as amended, as applicable to this state.

History.—s. 1, ch. 94-300.

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(1) Any candidate for nomination who has qualified as prescribed by law is entitled to have his or her name printed on the official primary election ballot. However, when there is only one candidate of any political party qualified for an office, the name of the candidate shall not be printed on the primary election ballot, and such candidate shall be declared nominated for the office.

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the primary election ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the primary election ballot, and such candidate shall be declared elected to the state or county executive committee.

History.—s. 27, ch. 6469, 1913; RGS 331; CGL 388; s. 3, ch. 26870, 1951; s. 1, ch. 63-99; s. 5, ch. 65-378; s. 16, ch. 77-175; s. 21, ch. 89-338; s. 561, ch. 95-147; s. 15, ch. 2005-286.

Note.—Former ss. 102.34, 99.041.

101.254 When nominated names to appear in groups or districts.—When an office requires the nomination of more than one candidate, as many groups or districts shall be numerically designated as there are vacancies to be filled by nomination. Each candidate shall indicate on his or her qualifying papers the group or district in which the candidate desires his or her name to appear on the ballot. In addition, any candidate qualifying by the petition method must indicate on his or her petition prior to circulating such petition, which group or district for which the candidate is attempting to qualify.

History.—s. 52, ch. 6469, 1913; s. 8, ch. 6874, 1915; RGS 356; CGL 413; s. 3, ch. 26870, 1951; s. 6, ch. 65-378; s. 16, ch. 77-175; s. 23, ch. 89-338; s. 563, ch. 95-147.

Note.—Former ss. 102.49, 99.051.

101.292 Definitions; ss. 101.292-101.295.—As used in ss. 101.292-101.295, the following terms shall have the following meanings:

(1) "Governing body" means the board of county commissioners of a county or any other governing body empowered by general or special act or local ordinance to purchase or sell voting equipment.

(2) "Purchase" means a contract for the purchase, lease, rental, or other acquisition of voting equipment.

(3) "Voting equipment" means electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in s. 101.5603, as well as materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017.

History.—s. 2, ch. 72-303; s. 17, ch. 73-156; s. 16, ch. 77-175; s. 4, ch. 84-302; s. 5, ch. 89-348; s. 32, ch. 90-268; s. 10, ch. 2001-40; s. 25, ch. 2023-8.

101.293 Competitive sealed bids and proposals required.—

(1) Any purchase of voting equipment, the individual or combined retail value of which is in excess of the threshold amount for CATEGORY TWO purchases provided in s. 287.017, by a governing body shall be by means of competitive sealed bids or competitive sealed proposals from at least two bidders, except under the following conditions:

(a) If a majority of the governing body agrees by vote that an emergency situation exists in regard to the purchase of such equipment to the extent that the potential benefits derived from competitive sealed bids or competitive sealed proposals are outweighed by the detrimental effects of a delay in the acquisition of such equipment; or

(b) If a majority of the governing body finds that there is but a single source from which suitable equipment may be obtained.

If such conditions are found to exist, the chair of the governing body shall certify to the Division of Elections the situation and conditions requiring an exception to the competitive sealed bidding and competitive sealed proposal requirements of this section. Such certification shall be maintained on file by the division.

(2) The Division of Elections of the Department of State shall establish bidding procedures for carrying out the provisions and the intent of ss. 101.292-101.295, and each governing body shall follow the procedures so established.

History.—s. 2, ch. 72-303; s. 18, ch. 73-156; s. 38, ch. 73-333; s. 16, ch. 77-175; s. 5, ch. 84-302; s. 6, ch. 89-348; s. 1, ch. 90-268; s. 566, ch. 95-147.

101.294 Purchase and sale of voting equipment.

(1) The Division of Elections of the Department of State shall adopt uniform rules for the purchase, use, and sale of voting equipment in the state. No governing body shall purchase or cause to be purchased any voting equipment unless such equipment has been certified for use in this state by the Department of State.

(2) Any governing body contemplating the purchase or sale of voting equipment shall notify the Division of Elections of such considerations. The division shall attempt to coordinate the sale of excess or outmoded equipment by one county with purchases of necessary equipment by other counties.

(3) The division shall inform the governing bodies of the various counties of the state of the availability of new or used voting equipment and of sources available for obtaining such equipment.

(4) A vendor of voting equipment may not provide an uncertified voting system, voting system component, or voting system upgrade to a local governing body or supervisor of elections in this state.

(5) Before or in conjunction with providing a voting system, voting system component, or voting system upgrade, the vendor shall provide the local governing body or supervisor of elections with a sworn certification that the voting system, voting system component, or voting system upgrade being provided has been certified by the Division of Elections.

History.—s. 2, ch. 72-303; s. 19, ch. 73-156; s. 17, ch. 77-175; s. 6, ch. 84-302; s. 31, ch. 2005-277.

101.295 Penalties for violation.—

(1) Any member of a governing body which purchases or sells voting equipment in violation of the provisions of ss. 101.292-101.295, which member knowingly votes to purchase or sell voting equipment in violation of the provisions of ss. 101.292-101.295, is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083, and shall be subject to suspension from office on the grounds of malfeasance.

(2) Any vendor, chief executive officer, or vendor representative of voting equipment who provides a voting system, voting system component, or voting

system upgrade in violation of this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 2, ch. 72-303; s. 18, ch. 77-175; s. 32, ch. 2005-277.

101.34 Custody of voting system.—The supervisor of elections shall be the custodian of the voting system in the county, and he or she shall appoint deputies necessary to prepare and supervise the voting system prior to and during elections. The compensation for such deputies shall be paid by the supervisor of elections.

History.—s. 3-A, ch. 22018, 1943; s. 4, ch. 24089, 1947; s. 5, ch. 26870, 1951; s. 16, ch. 65-380; s. 18, ch. 77-175; s. 3, ch. 80-20; s. 567, ch. 95-147; s. 11, ch. 2001-40.

Note.—Former s. 100.42.

101.341 Prohibited activities by voting system custodians and deputy custodians.—

(1) No voting system custodian or deputy custodian or other employee of the supervisor of elections, which employee's duties are primarily involved with the preparation, maintenance, or repair of voting equipment, may accept employment or any form of consideration from any person or business entity involved in the purchase, repair, or sale of voting equipment unless such employment has the prior written approval of the supervisor of elections of the county by which such person is employed.

(2) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083. Such person shall also be subject to immediate discharge from his or her position.

History.—s. 3, ch. 72-303; s. 4, ch. 80-20; s. 568, ch. 95-147; s. 12, ch. 2001-40.

101.43 Substitute ballot.—When the required official ballots for a precinct are not delivered in time to be used on election day, or after delivery, are lost, destroyed or stolen, the clerk or other officials whose duty it is to provide ballots for use at such election, in lieu of the official ballots, shall have substitute ballots prepared, conforming as nearly as possible to the official ballots, and the board of election shall substitute these ballots to be used in the same manner as the official ballots would have been used at the election.

History.—s. 15, ch. 13893, 1929; CGL 1936 Supp. 337(15); s. 5, ch. 26870, 1951; s. 13, ch. 2001-40.

Note.—Former s. 100.15.

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the signatures, doubts that the signature on the identification presented by the elector is the same as the signature the elector affixed on the precinct register or early voting certificate, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF ____

I do solemnly swear (or affirm) that my name is ____; that I am ____ years old; that I was born in the State of ____; that I am registered to vote; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this ____ day of ____, A. D. (year).

(Clerk or inspector of election)

Precinct No. ____
County of ____

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to cast his or her vote, but if the person fails or refuses to make out or file such affidavit and asserts his or her eligibility, then he or she shall be entitled to vote a provisional ballot.

History.—s. 2, ch. 18407, 1937; CGL 1940 Supp. 337(28-d); s. 2, ch. 22018, 1943; s. 5, ch. 26870, 1951; s. 18, ch. 77-175; s. 573, ch. 95-147; s. 11, ch. 99-6; s. 14, ch. 2001-40; s. 33, ch. 2005-277.

Note.—Former s. 100.35.

101.51 Electors to occupy booth alone.—

(1) When the elector presents himself or herself to vote, an election official shall permit the elector to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. An elector, while casting his or her ballot, may not occupy a booth or compartment already occupied or speak with anyone, except as provided by s. 101.051.

(2) After casting his or her vote, the elector shall at once leave the polling room by the exit opening and shall not be permitted to reenter on any pretext whatever.

History.—ss. 44, 45, ch. 4328, 1895; GS 228, 229; RGS 273, 274; CGL 329, 330; s. 20, ch. 13893, 1929; 1936 Supp. 337(20); s. 5, ch. 26870, 1951; s. 25, ch. 65-380; s. 18, ch. 77-175; s. 574, ch. 95-147; s. 11, ch. 2002-281; s. 34, ch. 2005-277; s. 19, ch. 2008-95.

Note.—Former ss. 99.27, 99.28, 100.20.

101.545 Retention and destruction of certain election materials.—All ballots, forms, and other election materials shall be retained in the custody of the supervisor of elections for a minimum of 22 months after an election and in accordance with the schedule approved by the Division of Library and Information Services of the Department of State. All unused ballots, forms, and other election materials may, with the approval of the Department of State, be destroyed by the supervisor after the election for which such ballots, forms, or other election materials were to be used.

History.—s. 20, ch. 77-175; s. 15, ch. 2001-60; s. 18, ch. 2021-11.

101.5601 Short title.—Sections 101.5601-101.5614 may be cited as the "Electronic Voting Systems Act."

History.—s. 1, ch. 73-156; s. 9, ch. 2002-17.

101.5602 Purpose.—The purpose of this act is to authorize the use of electronic and electromechanical voting systems in which votes are registered electronically or are tabulated on automatic tabulating equipment or data processing equipment.

History.—s. 2, ch. 73-156; s. 21, ch. 77-175; s. 7, ch. 84-302.

101.5603 Definitions relating to Electronic Voting Systems Act.—As used in this act, the term:

(1) "Automatic tabulating equipment" includes apparatus necessary to automatically examine, count, and record votes.

(2) "Ballot" means the card, tape, or other vehicle upon which the elector's choices are recorded.

(3) "Ballot information" means the material containing the names of offices and candidates and the questions to be voted on.

(4) "Electronic or electromechanical voting system" means a system of casting votes by use of voting devices or marking devices and counting ballots by employing automatic tabulating equipment or data processing equipment, and the term includes touchscreen systems.

(5) "Marking device" means any approved device for marking a ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.

(6) "Secrecy envelope" means an opaque device, used for enclosing a marked ballot, which conceals the voter's choices.

(7) "Software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, without limitation, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(8) "Voting device" means an apparatus by which votes are registered electronically.

History.—s. 3, ch. 73-156; s. 21, ch. 77-175; s. 8, ch. 84-302; s. 8, ch. 89-348; s. 15, ch. 2001-40.

101.5604 Adoption of system; procurement of equipment; commercial tabulations.—The board of county commissioners of any county, at any regular meeting or a special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county. Thereafter the electronic or electromechanical voting system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering, and counting the votes thereof in such election precincts as the governing body directs. A county must use an electronic or electromechanical precinct-count tabulation voting system.

History.—s. 4, ch. 73-156; s. 21, ch. 77-175; s. 16, ch. 2001-40.

101.56042 Punch card type systems prohibited. Effective September 2, 2002, a voting system that uses an apparatus or device for the piercing of ballots by the voter may not be used in this state.

History.—s. 17, ch. 2001-40.

101.5605 Examination and approval of equipment.—

(1) The Department of State shall publicly examine all makes of electronic or electromechanical voting systems submitted to it and determine whether the systems comply with the requirements of s. 101.5606.

(2)(a) Any person owning or interested in an electronic or electromechanical voting system may submit it to the Department of State for examination. The vote counting segment shall be certified after a satisfactory evaluation testing has been performed according to the standards adopted under s. 101.015(1). This testing shall include, but is not limited to, testing of all software required for the voting system's operation; the ballot reader; the rote processor, especially in its logic and memory components; the digital printer; the fail-safe operations; the counting center environmental requirements; and the equipment reliability estimate. For the purpose of assisting in examining the system, the department shall employ or contract for services of at least one individual who is expert in one or more fields of data processing, mechanical engineering, and public administration and shall require from the individual a written report of his or her examination.

(b) The person submitting a system for approval or the board of county commissioners of any county seeking approval of a given system shall reimburse the Department of State in an amount equal to the actual costs incurred by the department in examining the system. Such reimbursement shall be made whether or not the system is approved by the department.

(c) Neither the Secretary of State nor any examiner shall have any pecuniary interest in any voting equipment.

(d) The Department of State shall approve or disapprove any voting system submitted to it within 120 days after the date of its initial submission.

(3)(a) Before the Department of State approves the electronic or electromechanical voting system, the person who submitted it for examination shall provide the department with the name, mailing address, and telephone number of a registered agent, which agent must have and continuously maintain an office in this state. Any change in the name, address, or telephone number of the registered agent shall promptly be made known to the department.

(b) Before entering into a contract for the sale or lease of a voting system approved under this section to any county, the person entering into such contract shall provide the department with the name, mailing address, and telephone number of a registered agent, which agent must have and continuously maintain an office in this state. Any change in the name, address, or telephone number of the registered agent shall promptly be made known to the department.

(c) The department's proof of delivery or attempted delivery to the last mailing address of the registered agent on file with the department at the time of delivery or attempted delivery is valid for all notice purposes.

(d) Within 30 days after completing the examination and upon approval of any electronic or electromechanical voting system, the Department of State shall make

and maintain a report on the system, together with a written or printed description and drawings and photographs clearly identifying the system and the operation thereof. As soon as practicable after such filing, the department shall send a notice of certification and, upon request, a copy of the report to the governing bodies of the respective counties of the state. Any voting system that does not receive the approval of the department may not be adopted for or used at any election.

(e) After a voting system has been approved by the Department of State, any change or improvement in the system is required to be approved by the department prior to the adoption of such change or improvement by any county. If any such change or improvement does not comply with the requirements of this act, the department shall suspend all sales of the equipment or system in the state until the equipment or system complies with the requirements of this act.

(4) The Department of State may at any time reexamine any system, or any part thereof, which has previously been approved for the purpose of updating the certification of the system.

History.—s. 5, ch. 73-156; s. 21, ch. 77-175; s. 9, ch. 84-302; s. 12, ch. 85-80; s. 9, ch. 89-348; s. 577, ch. 95-147; s. 31, ch. 2011-40; s. 7, ch. 2013-57; s. 19, ch. 2021-11.

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(1) It permits and requires voting in secrecy.

(2) It permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.

(3) It immediately rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.

(4) For systems using marksense ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.

(5) It is capable of correctly counting votes.

(6) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.

(7) At presidential elections it permits each elector, by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.

(8) It provides a method for write-in voting.

(9) It is capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.

(10) It is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(11) It is capable of automatically producing precinct totals in printed form.

(12) If it is of a type which registers votes electronically, it will permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed.

(13) It is capable of providing records from which the operation of the voting system may be audited.

(14) It uses a precinct-count tabulation system.

(15) It does not use an apparatus or device for the piercing of ballots by the voter.

History.—s. 6, ch. 73-156; s. 21, ch. 77-175; s. 10, ch. 84-302; s. 10, ch. 89-348; s. 578, ch. 95-147; s. 17, ch. 99-318; s. 18, ch. 2001-40; s. 10, ch. 2002-17; s. 35, ch. 2005-277; s. 32, ch. 2011-40.

101.56062 Standards for accessible voting systems.—

(1) Notwithstanding anything in this chapter to the contrary, each voting system certified by the Department of State for use in local, state, and federal elections must include the capability to install accessible voter interface devices in the system configuration which will allow the system to meet the following minimum standards:

(a) The voting system must provide a tactile input or audio input device, or both.

(b) The voting system must provide a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonably phonetically accurate.

(c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernible tactilely without actuating the keys.

(d) Audio and visual access approaches must be able to work both separately and simultaneously.

(e) If a nonaudio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.

(f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.

(g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, by handset or headset, in enhanced auditory fashion (increased amplification), and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.

(h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.

(i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is replaced, but not before. Also, universal precautions in the use and sharing of headsets should be followed.

(j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.

(k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.

(l) The force required to operate or activate the controls must be no greater than 5 pounds of force.

(m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.

(n) Any audio ballot must provide the voter with the following functionalities:

1. After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.

2. The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.

3. The voter must be able to determine how many candidates may be selected in each race.

4. The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.

5. The voter must be able to review the candidate selections that he or she has made.

6. Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.

7. The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.

8. The system must prevent the voter from overvoting any race.

9. The voter must be able to input a candidate's name in each race that allows a write-in candidate.

10. The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.

11. There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.

12. Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.

13. Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.

The functionalities required in this paragraph for certification may be satisfied by either the voting device or by the entire voting system.

(2) Such voting system must include at least one accessible voter interface device installed in each polling place which meets the requirements of this section, except for paragraph (1)(d).

History.—s. 12, ch. 2002-281; s. 34, ch. 2005-278; s. 1, ch. 2006-111; s. 27, ch. 2012-116.

101.56063 Accessibility of voting systems and polling places; intent; eligibility for federal funding. It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility. This section shall take effect upon this act becoming a law.

History.—s. 13, ch. 2002-281.

101.56064 Application for federal funds under ch. 2002-281.—The state may apply for all available federal funds to be used to pay for the costs associated with this act.

History.—s. 21, ch. 2002-281.

101.56065 Voting system defects; disclosure; investigations; penalties.—

(1) For purposes of this section, the term:

(a) "Defect" means:

1. Any failure, fault, or flaw in an electronic or electromechanical voting system approved pursuant to s. 101.5605 which results in nonconformance with the standards in a manner that affects the timeliness or accuracy of the casting or counting of ballots; or

2. Any failure or inability of the voting system manufacturer or vendor to make available or provide approved replacements of hardware or software to the counties that have purchased the approved voting system, the unavailability of which results in the system's nonconformance with the standards in a manner that affects the timeliness or accuracy of the casting or counting of ballots.

(b) "Standards" refers to the requirements in ss. 101.5606 and 101.56062 under which a voting system was approved for use in the state.

(c) "Vendor" means a person who submits or previously submitted a voting system that was approved

by the Department of State in accordance with s. 101.5605, or a person who enters into a contract for the sale or lease of a voting system to any county, or that previously entered into such a contract that has not expired.

(2)(a) On January 1 of every odd-numbered year, each vendor shall file a written disclosure with the department identifying any known defect in the voting system or the fact that there is no known defect, the effect of any defect on the operation and use of the approved voting system, and any known corrective measures to cure a defect, including, but not limited to, advisories and bulletins issued to system users.

(b) Implementation of corrective measures approved by the department which enable a system to conform to the standards and ensure the timeliness and accuracy of the casting and counting of ballots constitutes a cure of a defect.

(c) If a vendor becomes aware of the existence of a defect, he or she must file a new disclosure with the department as provided in paragraph (a) within 30 days after the date the vendor determined or reasonably should have determined that the defect existed.

(d) If a vendor discloses to the department that a defect exists, the department may suspend all sales or leases of the voting system in the state and may suspend the use of the system in any election in the state. The department shall provide written notice of any such suspension to each affected vendor and supervisor of elections. If the department determines that the defect no longer exists, the department shall lift the suspension and provide written notice to each affected vendor and supervisor of elections.

(e) If a vendor fails to file a required disclosure for a voting system previously approved by the department, that system may not be sold, leased, or used for elections in the state until it has been submitted for examination and approval and adopted for use pursuant to s. 101.5605. The department shall provide written notice to all supervisors of elections that the system is no longer approved.

(3)(a) If the department has reasonable cause to believe a voting system approved pursuant to s. 101.5605 contains a defect either before, during, or after an election which has not been disclosed pursuant to subsection (2), the department may investigate whether the voting system has a defect.

(b) The department may initiate an investigation pursuant to paragraph (a) on its own initiative or upon the written request of the supervisor of elections of a county that purchased or leased a voting system that contains the alleged defect.

(c) Upon initiating an investigation, the department shall provide written notice to the vendor and all of the supervisors of elections.

(4)(a) If the department determines by a preponderance of the evidence that a defect exists in the voting system, or that a vendor failed to timely disclose a defect pursuant to subsection (2), the department shall provide written notice to the affected vendor and supervisors of elections.

(b) A vendor entitled to receive notice pursuant to paragraph (a) shall, within 10 days, file a written response to the department which:

1. Denies that the alleged defect exists or existed as alleged by the department or that the vendor failed to timely disclose a defect, and sets forth the reasons for such denial; or

2. Admits that the defect exists or existed as alleged by the department or that the vendor failed to timely disclose a defect.

(c) If the defect has been cured, the vendor shall provide an explanation of how the defect was cured.

(d) If the defect has not been cured, the vendor shall inform the department whether the defect can be cured and shall provide the department with a plan for curing the defect. If the defect can be cured, the department shall establish a timeframe within which to cure the defect.

(5) If after receiving a response from the vendor, the department determines that a defect does not exist or has been cured within the timeframe established by the department, the department shall take no further action.

(6) If the department determines that: a vendor failed to timely disclose a defect; or that a defect exists and a vendor has not filed a written response or has failed to cure within the timeframe established by the department, or if the defect cannot be cured, the department shall impose a civil penalty of $25,000 for the defect plus an amount equal to the actual costs incurred by the department in conducting the investigation.

(7) If the department finds that a defect existed:

(a) The department may suspend all sales and leases of the voting system and may suspend its use in any county in the state. The department shall provide written notice of the suspension to each affected vendor and supervisor of elections.

(b) If the department determines that a defect no longer exists in a voting system that has been suspended from use pursuant to paragraph (a), the department shall lift the suspension and authorize the sale, lease, and use of the voting system in any election in the state. The department shall provide written notice that the suspension has been lifted to each affected vendor and supervisor of elections.

(c) If the defect cannot be cured, the department may disapprove the voting system for use in elections in the state. The department shall provide written notice to all supervisors of elections that the system is no longer approved. After approval of a system has been withdrawn pursuant to this paragraph, the system may not be sold, leased, or used in elections in the state until it has been submitted for examination and approval and adopted for use pursuant to s. 101.5605.

(d) Any vendor against whom a civil penalty was imposed under this section may not submit a voting system for approval by the Department of State in accordance with s. 101.5605 or enter into a contract for sale or lease of a voting system in the state until the civil penalties have been paid and the department provides written confirmation to the supervisors of elections of the payment.

(8) The department shall prepare a written report of any investigation conducted pursuant to this section.

(9) The authority of the department under this section is in addition to, and not exclusive of, any other authority provided by law.

(10) All proceedings under this section are exempt from chapter 120.

History.—s. 8, ch. 2013-57; s. 5, ch. 2016-10.

101.5607 Department of State to maintain voting system information; prepare software.—

(1)(a) Copies of the program codes and the user and operator manuals and copies of all software and any other information, specifications, or documentation required by the Department of State relating to an approved electronic or electromechanical voting system and its equipment must be filed with the Department of State by the supervisor of elections at the time of purchase or implementation. Any such information or materials that are not on file with and approved by the Department of State, including any updated or modified materials, may not be used in an election.

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612, the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

(c) The Department of State may, at any time, review the voting system of any county to ensure compliance with the Electronic Voting Systems Act.

(d) Section 119.071(1)(f) applies to all software on file with the Department of State.

(2)(a) The Department of State may develop software for use with an electronic or electromechanical voting system. The standards and examination procedures developed for software apply to all software developed by the Department of State.

(b) Software prepared by the Department of State is a public record pursuant to chapter 119 and shall be provided at the actual cost of duplication.

History.—s. 7, ch. 73-156; s. 21, ch. 77-175; s. 4, ch. 82-143; s. 11, ch. 84-302; s. 11, ch. 89-348; s. 25, ch. 90-344; s. 21, ch. 95-398; s. 19, ch. 2001-40; s. 32, ch. 2004-335; s. 41, ch. 2005-251.

101.56075 Voting methods.—For the purpose of designating ballot selections, all voting must be by marksense ballot, using a marking device or a voter interface device that produces a voter-verifiable paper output and meets the voter accessibility requirements for individuals with disabilities under s. 301 of the federal Help America Vote Act of 2002 and s. 101.56062.

History.—s. 6, ch. 2007-30; s. 5, ch. 2010-167; s. 33, ch. 2011-40; s. 9, ch. 2013-57; s. 13, ch. 2019-162.

101.5608 Voting by electronic or electromechanical method; procedures.—

(1) Each elector desiring to vote shall be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his or her name on the precinct register or other form or device provided by the supervisor. The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the inspector shall provide the person with a ballot.

(2) When an electronic or electromechanical voting system utilizes a ballot card or marksense ballot, the following procedures shall be followed:

(a) After receiving a ballot from an inspector, the elector shall, without leaving the polling place, retire to a booth or compartment and mark the ballot. After marking his or her ballot, the elector shall place the ballot in a secrecy envelope so that the ballot will be deposited in the tabulator without exposing the voter's choices.

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

(c) The supervisor of elections shall prepare for each polling place at least one ballot box to contain the ballots of a particular precinct, and each ballot box shall be plainly marked with the name of the precinct for which it is intended.

(3) The Department of State shall promulgate rules regarding voting procedures to be used when an electronic or electromechanical voting system is of a type which does not utilize a ballot card or marksense ballot.

(4) In any election in which a write-in candidate has qualified for office, the supervisor of elections shall provide for write-in voting pursuant to rules adopted by the Division of Elections.

History.—s. 8, ch. 73-156; s. 21, ch. 77-175; s. 13, ch. 81-105; s. 5, ch. 82-143; s. 12, ch. 84-302; s. 579, ch. 95-147; s. 20, ch. 2001-40; s. 11, ch. 2002-17; s. 36, ch. 2005-277; s. 35, ch. 2005-278; s. 20, ch. 2008-95.

101.5610 Inspection of ballot by election board. The election board of each precinct shall cause the voting devices to be put in order, set, adjusted, and made ready for voting when delivered to the polling places. Before the opening of the polls, the election board shall compare the ballots or the ballot information used in the voting devices with the sample ballots furnished and see that the names, numbers, and letters thereon agree and shall certify thereto on forms provided by the supervisor of elections.

History.—s. 10, ch. 73-156; s. 14, ch. 84-302; s. 4, ch. 86-200.

101.5611 Instructions to electors.—

(1) The supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. In instructing voters, no precinct official may favor any political party, candidate, or issue. Such instruction shall show the arrangement of candidates and questions to be voted on. Additionally, the supervisor of elections shall provide instruction on the proper

method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.

(2) The supervisor of elections shall have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years."

History.—s. 11, ch. 73-156; s. 21, ch. 77-175; s. 581, ch. 95-147; s. 12, ch. 98-129; s. 12, ch. 2002-17.

101.5612 Testing of tabulating equipment.—

(1) All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.

(2) On any day not more than 25 days before the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication on the county website as provided in s. 50.0311, on the supervisor of elections' website, or once in one or more newspapers of general circulation in the county. If the applicable website becomes unavailable or if there is no newspaper of general circulation in the county, the notice must be posted in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 30 days before the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee may not interfere with the normal operation of the canvassing board.

(3) For electronic or electromechanical voting systems configured to tabulate vote-by-mail ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices for an optical scan system, whichever is greater. For touchscreen systems used for voters having a disability, a sample of at least 2 percent of the devices must be tested. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each device tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be recoded, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

(5) Any tests involving marksense ballots pursuant to this section shall employ test ballots created by the supervisor of elections using actual ballots that have been printed for the election. If ballot-on-demand ballots will be used in the election, the supervisor shall also create test ballots using the ballot-on-demand technology that will be used to produce ballots in the election, using the same paper stock as will be used for ballots in the election.

History.—s. 12, ch. 73-156; s. 21, ch. 77-175; s. 39, ch. 79-400; s. 2, ch. 81-29; s. 24, ch. 83-217; s. 15, ch. 84-302; s. 582, ch. 95-147; s. 21, ch. 2001-40; s. 13, ch. 2002-17; s. 11, ch. 2004-252; s. 37, ch. 2005-277; s. 7, ch. 2007-30; s. 6, ch. 2010-167; s. 34, ch. 2011-40; s. 11, ch. 2016-37; s. 2, ch. 2020-109; s. 24, ch. 2023-120.

101.5613 Examination of equipment during voting.—A member of the election board or, for purposes of early voting pursuant to s. 101.657, a representative of the supervisor of elections shall occasionally examine the face of the voting device and the ballot information to determine that the device and the ballot information have not been damaged or tampered with.

History.—s. 13, ch. 73-156; s. 21, ch. 77-175; s. 16, ch. 84-302; s. 12, ch. 2004-252.

101.5614 Canvass of returns.—

(1) As soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter, in the presence of members of the public desiring to witness the proceedings, verify the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(2) The results of ballots tabulated at precinct locations may be transmitted to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(3) For each ballot or ballot image on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot; if the total number of votes for any office exceeds the number allowed by law, such votes shall not be counted. All valid votes shall be tallied by the canvassing board.

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in an open and accessible room in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A duplicate may be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter's intent in such race or on such measure is not clear. Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots upon signing an affidavit affirming his or her acknowledgment that disclosure of election results discerned from observing the ballot duplication process while the election is ongoing is a felony, as provided under subsection (8). The observer must be allowed to observe the duplication of ballots in such a way that the observer is able to

see the markings on each ballot and the duplication taking place. All duplicate ballots must be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. The duplication of ballots must happen in the presence of at least one canvassing board member. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct. If any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. The canvassing board must document the serial number of the ballot in the canvassing board's minutes. The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected and a proper duplicate ballot must be made and counted in lieu of the original.

(b) A true duplicate copy shall be made of each federal write-in absentee ballot in the presence of witnesses and substituted for the federal write-in absentee ballot. The duplicate ballot must include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). All duplicate ballots shall be clearly labeled "duplicate," bear a serial number that shall be recorded on the federal write-in absentee ballot, and be counted in lieu of the federal write-in absentee ballot. After a ballot has been duplicated, the federal write-in absentee ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with other ballots for that precinct.

(5) If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure, the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.

(6) Vote-by-mail ballots may be counted by the voting system's automatic tabulating equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(7) The return printed by the voting system's automatic tabulating equipment, to which has been added the return of write-in, vote-by-mail, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(8) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, election employee, or other person authorized to observe, review, or inspect ballot materials or observe canvassing who releases any information about votes cast for or against any candidate or ballot measure or any results of any election before the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 14, ch. 73-156; s. 1, ch. 77-174; s. 21, ch. 77-175; s. 14, ch. 81-105; s. 17, ch. 84-302; s. 1, ch. 85-17; s. 5, ch. 86-200; s. 17, ch. 90-315; s. 1, ch. 94-208; ss. 22, 37, ch. 2001-40; ss. 14, 15, ch. 2002-17; s. 38, ch. 2005-277; s. 35, ch. 2011-40; s. 2, ch. 2011-162; s. 12, ch. 2016-37; s. 2, ch. 2018-112; s. 14, ch. 2019-162; s. 3, ch. 2020-109; s. 20, ch. 2021-11; s. 18, ch. 2022-73.

101.572 Public inspection of ballots.—

(1) The official ballots and ballot cards received from election boards and removed from vote-by-mail ballot mailing envelopes and voter certificates on such mailing envelopes shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card. If the ballots are being examined prior to the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

(2) A candidate, a political party official, or a political committee official, or an authorized designee thereof, shall be granted reasonable access upon request to review or inspect ballot materials before canvassing or tabulation, including voter certificates on vote-by-mail envelopes, cure affidavits, corresponding comparison signatures, duplicate ballots, and corresponding originals. Before the supervisor begins comparing signatures on vote-by-mail voter certificates, the supervisor must publish notice of the access to be provided under this section, which may be access to the documents or images thereof, and the method of requesting such access. During such review, no person granted access for review may make any copy of a signature.

History.—s. 2, ch. 86-199; s. 583, ch. 95-147; s. 39, ch. 2005-277; s. 13, ch. 2016-37; s. 21, ch. 2021-11.

101.58 Supervising and observing registration and election processes.—

(1) The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting systems and equipment in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the voting equipment and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election

processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

(2) Upon the written direction of the Secretary of State, any employee of the Department of State having expertise in the matter of concern to the Secretary of State shall have full access to all premises, records, equipment, and staff of the supervisor of elections.

History.—s. 13, ch. 18405, 1937; CGL 1940 Supp. 337(28-b); s. 5, ch. 26870, 1951; s. 1, ch. 63-256; ss. 10, 35, ch. 69-106; s. 1, ch. 73-305; s. 21, ch. 77-175; s. 26, ch. 89-338; s. 584, ch. 95-147; s. 23, ch. 2001-40; s. 40, ch. 2005-277.

Note.—Former s. 100.31.

101.591 Voting system audit.—

(1) Immediately following the certification of each election, the county canvassing board or the local board responsible for certifying the election shall conduct a manual audit or an automated, independent audit of the voting systems used in randomly selected precincts.

(2)(a) A manual audit shall consist of a public manual tally of the votes cast in one randomly selected race that appears on the ballot. The tally sheet shall include election-day, vote-by-mail, early voting, provisional, and overseas ballots, in at least 1 percent but no more than 2 percent of the precincts chosen at random by the county canvassing board or the local board responsible for certifying the election. If 1 percent of the precincts is less than one entire precinct, the audit shall be conducted using at least one precinct chosen at random by the county canvassing board or the local board responsible for certifying the election. Such precincts shall be selected at a publicly noticed canvassing board meeting.

(b) An automated audit shall consist of a public automated tally of the votes cast across every race that appears on the ballot. The tally sheet shall include election day, vote-by-mail, early voting, provisional, and overseas ballots in at least 20 percent of the precincts chosen at random by the county canvassing board or the local board responsible for certifying the election. Such precincts shall be selected at a publicly noticed canvassing board meeting.

(c) The division shall adopt rules for approval of an independent audit system which provide that the system, at a minimum, must be:

1. Completely independent of the primary voting system.

2. Fast enough to produce final audit results within the timeframe prescribed in subsection (4).

3. Capable of demonstrating that the ballots of record have been accurately adjudicated by the audit system.

(3) The canvassing board shall post a notice of the audit, including the date, time, and place, in four conspicuous places in the county and on the home page of the county supervisor of elections website.

(4) The audit must be completed and the results made public no later than 11:59 p.m. on the 7th day following certification of the election by the county canvassing board or the local board responsible for certifying the election.

(5) By December 15 of each general election year, the county canvassing board or the board responsible for certifying the election shall provide a report with the results of the audit to the Department of State in a standard format as prescribed by the department. The report must be consolidated into one report with the overvote and undervote report required under s. 101.595(1). The report shall contain, but is not limited to, the following items:

(a) The overall accuracy of audit.

(b) A description of any problems or discrepancies encountered.

(c) The likely cause of such problems or discrepancies.

(d) Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections.

(6) If a manual recount is undertaken pursuant to s. 102.166, the canvassing board is not required to perform the audit provided for in this section.

History.—s. 14, ch. 89-348; s. 41, ch. 97-13; s. 8, ch. 2007-30; s. 36, ch. 2011-40; s. 10, ch. 2013-57; s. 14, ch. 2016-37; s. 22, ch. 2021-11.

101.5911 Rulemaking authority for voting system audit procedures.—Effective upon this act becoming a law, the Department of State shall adopt rules to implement the provisions of s. 101.591, as amended by s. 8, chapter 2007-30, Laws of Florida, which prescribe detailed audit procedures for each voting system, which shall be uniform to the extent practicable, along with the standard form for audit reports.

History.—s. 9, ch. 2007-30.

101.595 Analysis and reports of voting problems.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report to the Department of State the total number of overvotes and undervotes in the "President and Vice President" or "Governor and Lieutenant Governor" race that appears first on the ballot or, if neither appears, the first race appearing on the ballot pursuant to s. 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion. This report must be consolidated into one report with the audit report required under s. 101.591(5).

(2) The Department of State, upon receipt of such information, shall prepare a public report on the performance of each type of voting system. The report must contain, but is not limited to, the following information:

(a) An identification of problems with the ballot design or instructions which may have contributed to voter confusion;

(b) An identification of voting system design problems; and

(c) Recommendations for correcting any problems identified.

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election.

History.—s. 24, ch. 2001-40; s. 16, ch. 2002-17; s. 41, ch. 2005-277; s. 23, ch. 2021-11.

101.6101 Short title.—Sections 101.6101-101.6107 may be cited as the "Mail Ballot Election Act."

History.—s. 1, ch. 87-364.

101.6102 Mail ballot elections; limitations.—

(1)(a) An election may be conducted by mail ballot if:

1. The election is a referendum election at which all or a portion of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

a. Counties;

b. Cities;

c. School districts covering no more than one county; or

d. Special districts;

2. The governing body responsible for calling the election and the supervisor of elections responsible for the conduct of the election authorize the use of mail ballots for the election; and

3. The Secretary of State approves a written plan for the conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the supervisor of elections.

(b) In addition, an annexation referendum which includes only qualified electors of one county may also be voted on by mail ballot election.

(2) The following elections may not be conducted by mail ballot:

(a) An election at which any candidate is nominated, elected, retained, or recalled; or

(b) An election held on the same date as another election, other than a mail ballot election, in which the qualified electors of that political subdivision are eligible to cast ballots.

(3) The supervisor of elections shall be responsible for the conduct of any election held under ss. 101.6101-101.6107.

(4) The costs of a mail ballot election shall be borne by the jurisdiction initiating the calling of the election, unless otherwise provided by law.

(5) Nothing in this section shall be construed to prohibit the use of a mail ballot election in a municipal annexation referendum requiring separate vote of the registered electors of the annexing municipality and of the area proposed to be annexed. If a mail ballot election is authorized for a municipal annexation referendum, the provisions of ss. 101.6101-101.6107 shall control over any conflicting provisions of s. 171.0413.

History.—s. 1, ch. 87-364; s. 1, ch. 89-52; s. 27, ch. 89-338; s. 18, ch. 90-315.

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election within the timeframes specified in s. 101.62(3). All such ballots must be mailed by first-class mail. Ballots must be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

(2) Upon receipt of the ballot the elector shall mark the ballot, place it in the secrecy envelope, sign the return mailing envelope supplied with the ballot, and comply with the instructions provided with the ballot. The elector shall mail, deliver, or have delivered the marked ballot so that it reaches the supervisor of elections no later than 7 p.m. on the day of the election. The ballot must be returned in the return mailing envelope.

(3) The return mailing envelope shall contain a statement in substantially the following form:

VOTER'S CERTIFICATE

I, (Print Name), do solemnly swear (or affirm) that I am a qualified voter in this election and that I have not and will not vote more than one ballot in this election.

I understand that failure to sign this certificate and give my residence address will invalidate my ballot.

(Signature)

(Residence Address)

(4) If the ballot is destroyed, spoiled, lost, or not received by the elector, the elector may obtain a replacement ballot from the supervisor of elections as provided in this subsection. An elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and present such statement to the supervisor of elections prior to 7 p.m. on the day of the election. The supervisor of elections shall keep a record of each replacement ballot provided under this subsection.

(5) A ballot shall be counted only if:

(a) It is returned in the return mailing envelope;

(b) The elector's signature has been verified as provided in this subsection; and

(c) It is received by the supervisor of elections not later than 7 p.m. on the day of the election.

The supervisor of elections shall verify the signature of each elector on the return mailing envelope with the signature on the elector's registration records. Such verification may commence at any time prior to the canvass of votes. The supervisor of elections shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. If the supervisor of elections determines that an elector to whom a replacement ballot has been issued under subsection (4) has voted more than once, the canvassing board shall determine which ballot, if any, is to be counted.

(6) The canvassing board may begin the canvassing of mail ballots as provided by s. 101.68(2)(a). The criminal penalty specified in that paragraph for the release of results before 7 p.m. on election day is also applicable to canvassing conducted under this act.

(7) With respect to absent electors overseas entitled to vote in the election, the supervisor of elections

shall mail an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election.

(8) A ballot that otherwise satisfies the requirements of subsection (5) shall be counted even if the elector dies after mailing the ballot but before election day, as long as, prior to the death of the voter, the ballot was:

(a) Postmarked by the United States Postal Service;

(b) Date-stamped with a verifiable tracking number by common carrier; or

(c) Already in the possession of the supervisor of elections.

History.—s. 1, ch. 87-364; s. 585, ch. 95-147; s. 42, ch. 2005-277; s. 29, ch. 2007-30; s. 19, ch. 2022-73; s. 25, ch. 2023-120.

101.6104 Challenge of votes.—If any elector present for the canvass of votes believes that any ballot is illegal due to any defect apparent on the voter's certificate, the elector may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of such ballot, specifying the reason he or she believes the ballot to be illegal. No challenge based upon any defect on the voter's certificate shall be accepted after the ballot has been removed from the return mailing envelope.

History.—s. 1, ch. 87-364; s. 586, ch. 95-147.

101.6105 Vote-by-mail voting.—The provisions of the election code relating to vote-by-mail voting and vote-by-mail ballots shall apply to elections under ss. 101.6101-101.6107 only insofar as they do not conflict with the provisions of ss. 101.6101-101.6107.

History.—s. 1, ch. 87-364; s. 15, ch. 2016-37.

101.6106 Application of other election laws.—All laws that are applicable to general elections are applicable to mail ballot elections to the extent applicable.

History.—s. 1. ch. 87-364.

101.6107 Department of State to adopt rules.—The Department of State shall adopt rules governing the procedures and forms necessary to implement ss. 101.6101-101.6107.

History.—s. 1, ch. 87-364.

101.62 Request for vote-by-mail ballots.—

(1) REQUEST.—

(a) The supervisor shall accept a request for a vote-by-mail ballot only from a voter or, if directly instructed by the voter, a member of the voter's immediate family or the voter's legal guardian. A request may be made in person, in writing, by telephone, or through the supervisor's website. The department shall prescribe by rule by October 1, 2023, a uniform statewide application to make a written request for a vote-by-mail ballot which includes fields for all information required in this subsection. One request is deemed sufficient to receive a vote-by-mail ballot for all elections through the end of the calendar year of the next regularly scheduled general election, unless the voter or the voter's designee indicates at the time the request is made the elections within such period for which the voter desires to receive a vote-by-mail ballot. The supervisor must cancel a request for a vote-by-mail ballot when any first-class mail or nonforwardable mail sent by the supervisor to the voter is returned as undeliverable. If the voter requests a vote-by-mail ballot thereafter, the voter must provide or confirm his or her current residential address.

(b) The supervisor may accept a request for a vote-by-mail ballot to be mailed to a voter's address on file in the Florida Voter Registration System from the voter, or, if directly instructed by the voter, a member of the voter's immediate family or the voter's legal guardian. If an in-person or a telephonic request is made, the voter must provide the voter's Florida driver license number, the voter's Florida identification card number, or the last four digits of the voter's social security number, whichever may be verified in the supervisor's records. If the ballot is requested to be mailed to an address other than the voter's address on file in the Florida Voter Registration System, the request must be made in writing. A written request must be signed by the voter and include the voter's Florida driver license number, the voter's Florida identification card number, or the last four digits of the voter's social security number. However, an absent uniformed services voter or an overseas voter seeking a vote-by-mail ballot is not required to submit a signed, written request for a vote-by-mail ballot that is being mailed to an address other than the voter's address on file in the Florida Voter Registration System. The person making the request must disclose:

1. The name of the voter for whom the ballot is requested.

2. The voter's address.

3. The voter's date of birth.

4. The voter's Florida driver license number, the voter's Florida identification card number, or the last four digits of the voter's social security number, whichever may be verified in the supervisor's records. If the voter's registration record does not already include the voter's Florida driver license number or Florida identification card number or the last four digits of the voter's social security number, the number provided must be recorded in the voter's registration record.

5. The requester's name.

6. The requester's address.

7. The requester's driver license number, the requester's identification card number, or the last four digits of the requester's social security number, if available.

8. The requester's relationship to the voter.

9. The requester's signature (written requests only).

(c) Upon receiving a request for a vote-by-mail ballot from an absent voter, the supervisor of elections shall notify the voter of the free access system that has been designated by the department for determining the status of his or her vote-by-mail ballot.

(d) For purposes of this section, the term "immediate family" refers to the following, as applicable:

1. The voter's spouse, parent, child, grandparent, grandchild, or sibling, or the parent, child, grandparent, grandchild, or sibling of the voter's spouse.

2. The designee's spouse, parent, child, grandparent, grandchild, or sibling, or the parent, child, grandparent, grandchild, or sibling of the designee's spouse.

(2) ACCESS TO VOTE-BY-MAIL REQUEST INFORMATION.—For each request for a vote-by-mail ballot received, the supervisor shall record the following information: the date the request was made; the identity of the voter's designee making the request, if any; the Florida driver license number, Florida identification card number, or last four digits of the social security number of the voter provided with a written request; the date the vote-by-mail ballot was delivered to the voter or the voter's designee or the date the vote-by-mail ballot was delivered to the post office or other carrier; the address to which the ballot was mailed or the identity of the voter's designee to whom the ballot was delivered; the date the ballot was received by the supervisor; the absence of the voter's signature on the voter's certificate, if applicable; whether the voter's certificate contains a signature that does not match the voter's signature in the registration books or precinct register; and such other information he or she may deem necessary. This information must be provided in electronic format as provided by division rule. The information must be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division. This information is confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.

(3) DELIVERY OF VOTE-BY-MAIL BALLOTS.—

(a) No later than 45 days before each presidential preference primary election, primary election, and general election, the supervisor of elections shall send a vote-by-mail ballot as provided in subparagraph (d)2. to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot.

(b) The supervisor shall mail a vote-by-mail ballot to each absent qualified voter, other than those listed in paragraph (a), who has requested such a ballot, between the 40th and 33rd days before the presidential preference primary election, primary election, and general election.

(c) Except as otherwise provided in paragraph (a) or paragraph (b), the supervisor shall mail vote-by-mail ballots within 2 business days after receiving a request for such a ballot, but no later than the 10th day before election day. The deadline to submit a request for a ballot to be mailed is 5 p.m. local time on the 12th day before an upcoming election.

(d) Upon a request for a vote-by-mail ballot, the supervisor shall provide a vote-by-mail ballot to each voter by whom a request for that ballot has been made, by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the voter's current mailing address on file with the supervisor or any other address the voter specifies in the request. The envelopes must be prominently marked "Do Not Forward."

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the vote-by-mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot must be mailed.

3. By personal delivery to the voter after vote-by-mail ballots have been mailed and up to 7 p.m. on election day upon presentation of the identification required in s. 101.043.

4. By delivery to the voter's designee after vote-by-mail ballots have been mailed and up to 7 p.m. on election day. Any voter may designate in writing a person to pick up the ballot for the voter; however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. The designee shall provide to the supervisor the written authorization by the voter and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the voter to pick up that ballot and shall indicate if the voter is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the voter on the written authorization matches the signature of the voter on file, the supervisor must give the ballot to that designee for delivery to the voter.

5. Except as provided in s. 101.655, the supervisor may not deliver a vote-by-mail ballot to a voter or a voter's designee pursuant to subparagraph 3. or subparagraph 4., respectively, during the mandatory early voting period and up to 7 p.m. on election day, unless there is an emergency, to the extent that the voter will be unable to go to a designated early voting site in his or her county or to his or her assigned polling place on election day. If a vote-by-mail ballot is delivered, the voter or his or her designee must execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot. The department shall adopt a rule providing for the form of the affidavit.

(4) SPECIAL CIRCUMSTANCES.—If the department is unable to certify candidates for an election in time to comply with paragraph (3)(a), the Department of State is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters.

(5) MATERIALS.—Only the materials necessary to vote by mail may be mailed or delivered with any vote-by-mail ballot.

(6) PROHIBITION.—Except as expressly authorized for voters having a disability under s. 101.662, for

overseas voters under s. 101.697, or for local referenda under ss. 101.6102 and 101.6103, a county, municipality, or state agency may not send a vote-by-mail ballot to a voter unless the voter has requested a vote-by-mail ballot in the manner authorized under this section.

History.—s. 2, ch. 7380, 1917; RGS 369; CGL 430; s. 1, ch. 25385, 1949; s. 5, ch. 26870, 1951; s. 32, ch. 28156, 1953; s. 21, ch. 29934, 1955; s. 2, ch. 59-213; s. 32, ch. 65-380; s. 1, ch. 67-33; s. 2, ch. 69-136; s. 4, ch. 69-280; s. 2, ch. 70-93; ss. 1, 2, ch. 71-149; s. 5, ch. 73-157; s. 39, ch. 73-333; s. 2, ch. 75-174; s. 21, ch. 77-175; s. 40, ch. 79-400; s. 2, ch. 83-16; s. 6, ch. 83-251; s. 1, ch. 85-226; s. 4, ch. 86-199; s. 4, ch. 87-363; s. 2, ch. 87-538; s. 28, ch. 89-338; s. 20, ch. 90-360; s. 587, ch. 95-147; s. 3, ch. 96-57; s. 25, ch. 96-406; s. 13, ch. 98-129; s. 32, ch. 99-2; s. 6, ch. 99-140; s. 52, ch. 2001-40; s. 5, ch. 2001-75; s. 18, ch. 2003-415; s. 6, ch. 2004-33; s. 43, ch. 2005-277; s. 37, ch. 2005-278; s. 16, ch. 2005-286; s. 30, ch. 2007-30; s. 7, ch. 2010-167; s. 37, ch. 2011-40; s. 17, ch. 2013-37; s. 11, ch. 2013-57; s. 16, ch. 2016-37; s. 15, ch. 2019-162; s. 24, ch. 2021-11; s. 26, ch. 2023-120.

Note.—Former s. 101.02.

101.64 Delivery of vote-by-mail ballots; envelopes; form.—

(1)(a) The supervisor shall enclose with each vote-by-mail ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ____, do solemnly swear or affirm that I am a qualified and registered voter of ____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

(Date) (Voter's Signature)

(E-Mail Address) (Home Telephone Number)

(Mobile Telephone Number)

(b) Each return mailing envelope must bear the absent elector's name and any encoded mark used by the supervisor's office.

(c) A mailing envelope or secrecy envelope may not bear any indication of the political affiliation of an absent elector.

(2) The certificate shall be arranged on the back of the mailing envelope so that the line for the signature of the absent elector is across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter must cross the seal of the envelope. The absent elector shall execute the certificate on the envelope.

(3) In lieu of the voter's certificate provided in this section, the supervisor of elections shall provide each person voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act with the standard oath prescribed by the presidential designee.

(4) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each vote-by-mail ballot.

(5) The secrecy envelope must include, in bold font, substantially the following message:

IN ORDER FOR YOUR VOTE-BY-MAIL BALLOT TO COUNT, YOUR SUPERVISOR OF ELECTIONS MUST RECEIVE YOUR BALLOT BY 7 P.M. ON ELECTION DAY. IF YOU WAIT TO MAIL YOUR BALLOT, YOUR VOTE MIGHT NOT COUNT. TO PREVENT THIS FROM OCCURRING, PLEASE MAIL OR TURN IN YOUR BALLOT AS SOON AS POSSIBLE.

History.—s. 4, ch. 7380, 1917; RGS 371; CGL 432; s. 1, ch. 25385, 1949; s. 5, ch. 26870, 1951; s. 34, ch. 28156, 1953; s. 22, ch. 29934, 1955; s. 1, ch. 61-369; s. 33, ch. 65-380; s. 3, ch. 69-136; s. 5, ch. 69-280; s. 21, ch. 71-355; s. 1, ch. 73-105; s. 6, ch. 73-157; s. 39, ch. 73-333; s. 3, ch. 75-174; s. 23, ch. 77-175; s. 4, ch. 79-365; s. 1, ch. 81-106; s. 9, ch. 81-304; s. 10, ch. 82-143; s. 2, ch. 85-226; s. 1, ch. 86-33; s. 19, ch. 90-315; s. 588, ch. 95-147; s. 4, ch. 96-57; s. 14, ch. 98-129; s. 53, ch. 2001-40; s. 19, ch. 2003-415; s. 1, ch. 2004-232; s. 44, ch. 2005-277; s. 38, ch. 2005-278; s. 17, ch. 2016-37; s. 16, ch. 2019-162; s. 26, ch. 2021-11.

Note.—Former s. 101.04.

101.65 Instructions to absent electors.—The supervisor shall enclose with each vote-by-mail ballot separate printed instructions in substantially the following form; however, where the instructions appear in capitalized text, the text of the printed instructions must be in bold font:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election. Note that the later you return your ballot, the less time you will have to cure any signature deficiencies, which is authorized until 5 p.m. on the 2nd day after the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope.

5. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

6. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

7. VERY IMPORTANT. In order for your vote-by-mail ballot to be counted, you must sign your name on the line above (Voter's Signature). A vote-by-mail ballot

will be considered illegal and not be counted if the signature on the voter's certificate does not match the signature on record. The signature on file at the time the supervisor of elections in the county in which your precinct is located receives your vote-by-mail ballot is the signature that will be used to verify your signature on the voter's certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

8. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed. THE COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE BALLOT INTAKE STATION, AVAILABLE AT EACH EARLY VOTING LOCATION.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

History.—s. 5, ch. 7380, 1917; RGS 372; CGL 433; s. 1, ch. 25385, 1949; s. 5, ch. 26870, 1951; s. 35, ch. 28156, 1953; s. 23, ch. 29934, 1955; s. 34, ch. 65-380; s. 4, ch. 71-149; s. 9, ch. 72-63; s. 2, ch. 73-105; s. 7, ch. 73-157; ss. 3, 4, ch. 75-174; s. 23, ch. 77-175; s. 2, ch. 81-106; s. 10, ch. 81-304; s. 11, ch. 82-143; s. 7, ch. 83-251; s. 3, ch. 85-226; s. 2, ch. 86-33; s. 589, ch. 95-147; s. 5, ch. 96-57; s. 16, ch. 98-129; s. 33, ch. 99-2; s. 54, ch. 2001-40; s. 20, ch. 2003-415; s. 2, ch. 2004-232; s. 38, ch. 2011-40; s. 12, ch. 2013-57; s. 18, ch. 2016-37; s. 17, ch. 2019-162; s. 20, ch. 2022-73.

Note.—Former s. 101.05.

101.655 Supervised voting by absent electors in certain facilities.—

(1) The supervisor of elections of a county shall provide supervised voting for absent electors residing in any assisted living facility, as defined in s. 429.02, or nursing home facility, as defined in s. 400.021, within that county at the request of any administrator of such a facility. Such request for supervised voting in the facility shall be made by submitting a written request to the supervisor of elections no later than 28 days prior to the election for which that request is submitted. The request shall specify the name and address of the facility and the name of the electors who wish to vote by mail in that election. If the request contains the names of fewer than five voters, the supervisor of elections is not required to provide supervised voting.

(2) The supervisor of elections may, in the absence of a request from the administrator of a facility, provide for supervised voting in the facility for those persons who have requested vote-by-mail ballots. The supervisor of elections shall notify the administrator of the facility that supervised voting will occur.

(3) The supervisor of elections shall, in cooperation with the administrator of the facility, select a date and time when the supervised voting will occur.

(4) The supervisor of elections shall designate supervised voting teams to provide the services prescribed by this section. Each supervised voting team shall include at least two persons. Each supervised voting team must include representatives of more than one political party; however, in any primary election to nominate party nominees in which only one party has candidates appearing on the ballot, all supervised voting team members may be of that party. No candidate may provide supervised voting services.

(5) The supervised voting team shall deliver the ballots to the respective absent electors, and each member of the team shall jointly supervise the voting of the ballots. If any elector requests assistance in voting, the oath prescribed in s. 101.051 shall be completed and the elector may receive the assistance of two members of the supervised voting team or some other person of the elector's choice to assist the elector in casting the elector's ballot.

(6) Before providing assistance, the supervised voting team shall disclose to the elector that the ballot may be retained to vote at a later time and that the elector has the right to seek assistance in voting from some other person of the elector's choice without the presence of the supervised voting team.

(7) If any elector declines to vote a ballot or is unable to vote a ballot, the supervised voting team shall mark the ballot "refused to vote" or "unable to vote."

(8) After the ballots have been voted or marked in accordance with the provisions of this section, the supervised voting team shall deliver the ballots to the supervisor of elections, who shall retain them pursuant to s. 101.67.

History.—s. 6, ch. 96-57; s. 5, ch. 2006-197; s. 19, ch. 2016-37; s. 21, ch. 2022-73.

101.657 Early voting.—

(1)(a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election. The supervisor may also designate any city hall, permanent public library facility, fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center as an early voting site; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable, and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters. In addition, a supervisor may designate one early voting site per election in an area of the county that does not have any of the eligible early voting locations. Such additional early voting site must be geographically located so as to provide all voters in that area with an equal opportunity to cast a ballot, insofar as is practicable, and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters. Each county shall, at a minimum,

operate the same total number of early voting sites for a general election which the county operated for the 2012 general election. The results or tabulation of votes cast during early voting may not be made before the close of the polls on election day. Results shall be reported by precinct.

(b) The supervisor shall designate each early voting site by no later than the 30th day prior to an election and shall designate an early voting area, as defined in s. 97.021, at each early voting site. The supervisor shall provide to the division no later than the 30th day before an election the address of each early voting site and the hours that early voting will occur at each site.

(c) All early voting sites in a county shall allow any person in line at the closing of an early voting site to vote.

(d) Early voting shall begin on the 10th day before an election that contains state or federal races and end on the 3rd day before the election, and shall be provided for no less than 8 hours and no more than 12 hours per day at each site during the applicable period. In addition, early voting may be offered at the discretion of the supervisor of elections on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election that contains state or federal races for at least 8 hours per day, but not more than 12 hours per day. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections.

(e) Notwithstanding the requirements of s. 100.3605, municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections. If a municipality provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

(f) Notwithstanding the requirements of s. 189.04, special districts may provide early voting in any district election not held in conjunction with county or state elections. If a special district provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

(2) During any early voting period, each supervisor shall make available the total number of voters casting a ballot at each early voting location and the total number of vote-by-mail ballots received under s. 101.69(2) during the previous day. Each supervisor shall prepare an electronic data file listing the individual voters who cast a ballot during the early voting period. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than noon of each day and shall be contemporaneously provided to the division.

(3) The ballot of each elector voting early shall be counted even if the elector dies on or before election day.

(4)(a) The elector must provide identification and must complete an Early Voting Voter Certificate in substantially the following form:

EARLY VOTING VOTER CERTIFICATE

I, ____, am a qualified elector in this election and registered voter of ____ County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of ____ County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate invalidates my ballot.

(Voter's Signature)

(Address)

(City/State)

(b) Any elector may challenge an elector seeking to vote early under the provisions of s. 101.111. Any challenged voter must vote a provisional ballot. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

History.—s. 17, ch. 98-129; s. 2, ch. 2000-249; s. 55, ch. 2001-40; s. 21, ch. 2003-415; s. 7, ch. 2004-232; s. 13, ch. 2004-252; s. 45, ch. 2005-277; s. 39, ch. 2005-278; s. 39, ch. 2011-40; s. 13, ch. 2013-57; s. 57, ch. 2014-22; ss. 10, 18, ch. 2019-162; s. 17, ch. 2020-2.

101.661 Voting vote-by-mail ballots.—All electors must personally mark or designate their choices on the vote-by-mail ballot, except:

(1) Electors who require assistance to vote because of blindness, disability, or inability to read or write, who may have some person of the elector's choice, other than the elector's employer, an agent of the employer, or an officer or agent of the elector's union, mark the elector's choices or assist the elector in marking his or her choices on the ballot.

(2) As otherwise provided in s. 101.051 or s. 101.655.

History.—s. 18, ch. 98-129; s. 20, ch. 2016-37.

101.662 Accessibility of vote-by-mail ballots.—It is the intent of the Legislature that voting by vote-by-mail ballot be by methods that are fully accessible to all voters, including voters having a disability. The Department of State shall work with the supervisors of elections and the disability community to develop and implement procedures and technologies, as possible, which will include procedures for providing vote-by-mail ballots, upon request, in alternative formats that will allow all voters to cast a secret, independent, and verifiable vote-by-mail ballot without the assistance of another person.

History.—s. 14, ch. 2002-281; s. 21, ch. 2016-37.

101.663 Electors; change of residence to another state.—An elector registered in this state who moves his or her permanent residence to another state

after the registration books in that state have closed is permitted to vote by mail in the county of his or her former residence for the offices of President and Vice President of the United States.

History.—s. 1, ch. 69-136; s. 11, ch. 69-280; s. 4, ch. 73-157; s. 31, ch. 73-333; s. 3, ch. 77-175; s. 1, ch. 79-365; s. 22, ch. 94-224; s. 1392, ch. 95-147; s. 46, ch. 2005-277; s. 40, ch. 2005-278; s. 22, ch. 2016-37.

Note.—Former s. 97.102.

101.665 Administration of oaths; military personnel, federal employees, and other absentee registrants.—For the purposes of this code, oaths may be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the Merchant Marine of the United States designated for this purpose by the Secretary of Commerce, any civilian official empowered by state or federal law to administer oaths, any supervisor of elections, deputy supervisor of elections, or employee of the supervisor of elections when designated by the supervisor of elections, or any civilian employee designated by the head of any department or agency of the United States, except when this code requires an oath to be administered and attested by another official specifically named.

History.—s. 6, ch. 29904, 1955; s. 42, ch. 65-380; s. 4, ch. 72-63; s. 3, ch. 77-175; s. 17, ch. 94-224; s. 19, ch. 98-129.

Note.—Former s. 101.695; s. 97.065.

101.67 Safekeeping of mailed ballots; deadline for receiving vote-by-mail ballots.—

(1)(a) The supervisor of elections shall safely keep in his or her office any envelopes received containing marked ballots of absent electors, and he or she shall, before the canvassing of the election returns, deliver the envelopes to the county canvassing board along with his or her file or list kept regarding said ballots.

(b) To the extent practicable, the supervisor of elections shall segregate any vote-by-mail ballots received from a person to whom notice has been sent pursuant to s. 98.075(7), but for whom a final determination of eligibility has not been made, and shall treat them as provisional ballots for individual review by the county canvassing board. The supervisor shall attempt to contact each voter whose ballot has been set aside under this paragraph in the same manner as if the voter had voted a provisional ballot under s. 101.048.

(2) Except as provided in s. 101.6952(5), all marked absent electors' ballots to be counted must be received by the supervisor by 7 p.m. the day of the election. All ballots received thereafter shall be marked with the time and date of receipt and filed in the supervisor's office.

History.—s. 2, ch. 11824, 1927; CGL 436; s. 1, ch. 25385, 1949; s. 5, ch. 26870, 1951; s. 24, ch. 29934, 1955; s. 24, ch. 57-1; s. 35, ch. 65-380; s. 5, ch. 71-149; s. 23, ch. 77-175; s. 590, ch. 95-147; s. 14, ch. 2013-57; s. 23, ch. 2016-37; s. 27, ch. 2023-120.

Note.—Former s. 101.07.

101.68 Canvassing of vote-by-mail ballot.—

(1)(a) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books or the precinct register to determine whether the elector is duly registered in the county and must record on the elector's registration record that the elector has voted. During the signature comparison process, the supervisor may not use any knowledge of the political affiliation of the elector whose signature is subject to verification.

(b) An elector who dies after casting a vote-by-mail ballot but on or before election day shall remain listed in the registration books until the results have been certified for the election in which the ballot was cast. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote pursuant to subsection (2).

(c) If two or more vote-by-mail ballots for the same election are returned in one mailing envelope, the ballots may not be counted.

(d) Except as provided in subsection (4), after a vote-by-mail ballot is received by the supervisor, the ballot is deemed to have been cast, and changes or additions may not be made to the voter's certificate.

(2)(a) The county canvassing board may begin the canvassing of vote-by-mail ballots upon the completion of the public testing of automatic tabulating equipment pursuant to s. 101.5612(2), but must begin such canvassing by no later than noon on the day following the election. However, notwithstanding any such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor, deputy supervisor, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of vote-by-mail ballots prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that vote-by-mail ballot. A vote-by-mail ballot may only be counted if:

a. The signature on the voter's certificate or the cure affidavit matches the elector's signature in the registration books or precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

b. The cure affidavit contains a signature that does not match the elector's signature in the registration books or precinct register, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.

For purposes of this subparagraph, any canvassing board finding that an elector's signatures do not match

must be by majority vote and beyond a reasonable doubt.

2. The ballot of an elector who casts a vote-by-mail ballot shall be counted even if the elector dies on or before election day, as long as, before the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by a common carrier, or already in the possession of the supervisor.

3. A vote-by-mail ballot is not considered illegal if the signature of the elector does not cross the seal of the mailing envelope.

4. If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter's certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate or cure affidavit may not be accepted after the ballot has been removed from the mailing envelope.

5. If the canvassing board determines that a ballot is illegal, a member of the board must, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The cure affidavit, if applicable, the envelope, and the ballot therein shall be preserved in the manner that official ballots are preserved.

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

(3) The supervisor or the chair of the county canvassing board shall, after the board convenes, have custody of the vote-by-mail ballots until a final proclamation is made as to the total vote received by each candidate.

(4)(a) As soon as practicable, the supervisor shall, on behalf of the county canvassing board, attempt to notify an elector who has returned a vote-by-mail ballot that does not include the elector's signature or contains a signature that does not match the elector's signature in the registration books or precinct register by:

1. Notifying the elector of the signature deficiency by e-mail and directing the elector to the cure affidavit and instructions on the supervisor's website;

2. Notifying the elector of the signature deficiency by text message and directing the elector to the cure affidavit and instructions on the supervisor's website; or

3. Notifying the elector of the signature deficiency by telephone and directing the elector to the cure affidavit and instructions on the supervisor's website.

In addition to the notification required under subparagraph 1., subparagraph 2., or subparagraph 3., the supervisor must notify the elector of the signature deficiency by first-class mail and direct the elector to the cure affidavit and instructions on the supervisor's website. Beginning the day before the election, the supervisor is not required to provide notice of the signature deficiency by first-class mail, but shall continue to provide notice as required under subparagraph 1., subparagraph 2., or subparagraph 3.

(b) The supervisor shall allow such an elector to complete and submit an affidavit in order to cure the vote-by-mail ballot until 5 p.m. on the 2nd day after the election.

(c) The elector must complete a cure affidavit in substantially the following form:

VOTE-BY-MAIL BALLOT CURE AFFIDAVIT

I, ____, am a qualified voter in this election and registered voter of ____ County, Florida. I do solemnly swear or affirm that I requested and returned the vote-by-mail ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I may be convicted of a felony of the third degree and fined up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this affidavit means that my vote-by-mail ballot will be invalidated.

(Voter's Signature)

(Address)

(d) Instructions must accompany the cure affidavit in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote-by-mail ballot will be counted, your affidavit should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 5 p.m. on the 2nd day after the election.

2. You must sign your name on the line above (Voter's Signature).

3. You must make a copy of one of the following forms of identification:

a. Tier 1 identification.—Current and valid identification that includes your name and photograph: Florida driver license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or an employee identification card issued by any branch, department, agency, or entity of

the Federal Government, the state, a county, or a municipality; or

b. Tier 2 identification.—ONLY IF YOU DO NOT HAVE A TIER 1 FORM OF IDENTIFICATION, identification that shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter information card).

4. Place the envelope bearing the affidavit into a mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. Mail (if time permits), deliver, or have delivered the completed affidavit along with the copy of your identification to your county supervisor of elections. Be sure there is sufficient postage if mailed and that the supervisor's address is correct. Remember, your information MUST reach your county supervisor of elections no later than 5 p.m. on the 2nd day after the election, or your ballot will not count.

5. Alternatively, you may fax or e-mail your completed affidavit and a copy of your identification to the supervisor of elections. If e-mailing, please provide these documents as attachments.

(e) The department and each supervisor shall include the affidavit and instructions on their respective websites. The supervisor must include his or her office's mailing address, e-mail address, and fax number on the page containing the affidavit instructions, and the department's instruction page must include the office mailing addresses, e-mail addresses, and fax numbers of all supervisors of elections or provide a conspicuous link to such addresses.

(f) The supervisor shall attach each affidavit received to the appropriate vote-by-mail ballot mailing envelope.

(g) If a vote-by-mail ballot is validated following the submission of a cure affidavit, the supervisor shall make a copy of the affidavit, affix it to a voter registration application, and immediately process it as a valid request for a signature update pursuant to s. 98.077.

(h) After all election results on the ballot have been certified, the supervisor shall, on behalf of the county canvassing board, notify each elector whose ballot has been rejected as illegal and provide the specific reason the ballot was rejected. In addition, unless processed as a signature update pursuant to paragraph (g), the supervisor shall mail a voter registration application to the elector to be completed indicating the elector's current signature if the signature on the voter's certificate or cure affidavit did not match the elector's signature in the registration books or precinct register.

History.—s. 5, ch. 26870, 1951; s. 37, ch. 28156, 1953; s. 36, ch. 65-380; s. 6, ch. 69-280; s. 3, ch. 75-174; s. 23, ch. 77-175; s. 41, ch. 79-400; s. 3, ch. 86-33; s. 591, ch. 95-147; s. 7, ch. 96-57; s. 20, ch. 98-129; s. 56, ch. 2001-40; s. 17, ch. 2002-17; s. 3, ch. 2004-232; s. 47, ch. 2005-277; s. 31, ch. 2007-30; s. 40, ch. 2011-40; s. 15, ch. 2013-57; s. 24, ch. 2016-37; s. 3, ch. 2016-167; s. 1, ch. 2017-45; s. 19, ch. 2019-162; s. 27, ch. 2021-11; s. 28, ch. 2023-120.

101.69 Voting in person; return of vote-by-mail ballot.—

(1) The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election or at an early voting site, notwithstanding that the elector has requested a vote-by-mail ballot for that election. An elector who has returned a voted vote-by-mail ballot to the supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board. An elector who has received a vote-by-mail ballot and has not returned the voted ballot to the supervisor, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct or to an early voting site. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector does not return the ballot and the election official:

(a) Confirms that the supervisor has received the elector's vote-by-mail ballot, the elector shall not be allowed to vote in person. If the elector maintains that he or she has not returned the vote-by-mail ballot or remains eligible to vote, the elector shall be provided a provisional ballot as provided in s. 101.048.

(b) Confirms that the supervisor has not received the elector's vote-by-mail ballot, the elector shall be allowed to vote in person as provided in this code. The elector's vote-by-mail ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."

(c) Cannot determine whether the supervisor has received the elector's vote-by-mail ballot, the elector may vote a provisional ballot as provided in s. 101.048.

(2)(a) The supervisor shall allow an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by placing the return mail envelope containing his or her marked ballot in a secure ballot intake station. Secure ballot intake stations shall be placed at the main office of the supervisor, at each permanent branch office of the supervisor which meets the criteria set forth in s. 101.657(1)(a) for branch offices used for early voting and which is open for at least the minimum number of hours prescribed by s. 98.015(4), and at each early voting site. Secure ballot intake stations may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1). Secure ballot intake stations must be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot, insofar as is practicable. Except for secure ballot intake stations at an office of the supervisor, a secure ballot intake station may only be used during the county's early voting hours of operation and must be monitored in person by an employee of the supervisor's office. A secure ballot intake station at an office of the supervisor must be continuously monitored in person by an employee of the supervisor's office when the secure ballot intake station is accessible for deposit of ballots.

(b) A supervisor shall designate each secure ballot intake station location at least 30 days before an election. The supervisor shall provide the address of each secure ballot intake station location to the division at least 30 days before an election. After a secure ballot intake station location has been designated, it may not

be moved or changed except as approved by the division to correct a violation of this subsection.

(c)1. On each day of early voting, all secure ballot intake stations must be emptied at the end of early voting hours and all ballots retrieved from the secure ballot intake stations must be returned to the supervisor's office.

2. For secure ballot intake stations located at an office of the supervisor, all ballots must be retrieved before the secure ballot intake station is no longer monitored by an employee of the supervisor.

3. Employees of the supervisor must comply with procedures for the chain of custody of ballots as required by s. 101.015(4).

(3) If any secure ballot intake station is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of $25,000. The division is authorized to enforce this provision.

History.—s. 1, ch. 22014, 1943; s. 1, ch. 25385, 1949; s. 5, ch. 26870, 1951; s. 37, ch. 65-380; s. 23, ch. 77-175; s. 592, ch. 95-147; s. 8, ch. 96-57; s. 38, ch. 2001-40; s. 18, ch. 2002-17; s. 48, ch. 2005-277; s. 25, ch. 2016-37; s. 20, ch. 2019-162; s. 28, ch. 2021-11; s. 22, ch. 2022-73; s. 26, ch. 2023-8.

Note.—Former s. 101.11.

101.6921 Delivery of special vote-by-mail ballot to certain first-time voters.—

(1) The provisions of this section apply to voters who are subject to the provisions of s. 97.0535 and who have not provided the identification or certification required by s. 97.0535 by the time the vote-by-mail ballot is mailed.

(2) The supervisor shall enclose with each vote-by-mail ballot three envelopes: a secrecy envelope, into which the absent elector will enclose his or her marked ballot; an envelope containing the Voter's Certificate, into which the absent elector shall place the secrecy envelope; and a mailing envelope, which shall be addressed to the supervisor and into which the absent elector will place the envelope containing the Voter's Certificate and a copy of the required identification.

(3) The Voter's Certificate shall be in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ____, do solemnly swear or affirm that I am a qualified and registered voter of ____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot. I understand that unless I meet one of the exemptions below, I must provide a copy of a current and valid identification as provided in the instruction sheet to the supervisor of elections in order for my ballot to count.

I further certify that I am exempt from the requirements to furnish a copy of a current and valid identification with my ballot because of one or more of the following (check all that apply):

□ I am 65 years of age or older.

□ I have a permanent or temporary physical disability.

□ I am a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

□ I am a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

□ I am the spouse or dependent of a member of the uniformed service or Merchant Marine who, by reason of the active duty or service of the member, will be absent from the county on election day.

□ I am currently residing outside the United States.

(Date) Voter's Signature

(4) The certificate shall be arranged on the back of the envelope so that the line for the signature of the absent elector is across the seal of the envelope.

History.—s. 22, ch. 2003-415; s. 4, ch. 2004-232; s. 41, ch. 2005-278; s. 26, ch. 2016-37.

101.6923 Special vote-by-mail ballot instructions for certain first-time voters.—

(1) This section applies to voters who are subject to s. 97.0535 and who have not provided the identification or information required by s. 97.0535 by the time the vote-by-mail ballot is mailed.

(2) A voter covered by this section must be provided with printed instructions with his or her vote-by-mail ballot in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election. Note that the later you return your ballot, the less time you will have to cure signature deficiencies, which is authorized until 5 p.m. local time on the 2nd day after the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

c. A vote-by-mail ballot will be considered illegal and will not be counted if the signature on the Voter's Certificate does not match the signature on record. The signature on file at the start of the canvass of the vote-by-mail ballots is the signature that will be used to verify your signature on the Voter's Certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter information card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

History.—s. 23, ch. 2003-415; s. 5, ch. 2004-232; s. 49, ch. 2005-277; s. 42, ch. 2005-278; s. 22, ch. 2008-95; s. 41, ch. 2011-40; s. 16, ch. 2013-57; s. 27, ch. 2016-37; s. 4, ch. 2016-167; s. 34, ch. 2019-162; s. 29, ch. 2023-120.

101.6925 Canvassing special vote-by-mail ballots.—

(1) The supervisor of the county where the voter resides shall receive the voted special vote-by-mail ballot, at which time the mailing envelope must be opened to determine if the voter has enclosed the identification required or has indicated on the Voter's Certificate that he or she is exempt from the identification requirements.

(2) If the identification is enclosed or the voter has indicated that he or she is exempt from the identification requirements, the supervisor shall make the note on the registration records of the voter and proceed to canvass the vote-by-mail ballot as provided in s. 101.68.

(3) If the identification is not enclosed in the mailing envelope and the voter has not indicated that he or she is exempt from the identification requirements, the supervisor must check the voter registration records to determine if the voter's identification was previously received or the voter had previously notified the supervisor that he or she was exempt. The envelope with the Voter's Certificate may not be opened unless the identification has been received or the voter has indicated that he or she is exempt. The ballot must be treated as a provisional ballot and may not be canvassed unless the supervisor has received the required identification or written indication of exemption by 5 p.m. local time on the 2nd day following the election.

History.—s. 24, ch. 2003-415; s. 28, ch. 2016-37; s. 30, ch. 2023-120.

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

(1) Upon receipt of a federal postcard application for a vote-by-mail ballot executed by a person whose registration is in order or whose application is sufficient to register or update the registration of that person, the supervisor shall send the ballot in accordance with s. 101.62(3).

(2) Upon receipt of a federal postcard application for a vote-by-mail ballot executed by a person whose registration is not in order and whose application is insufficient to register or update the registration of that person, the supervisor shall follow the procedure set forth in s. 97.073.

(3) Vote-by-mail envelopes printed for voters entitled to vote by mail under the Uniformed and Overseas Citizens Absentee Voting Act shall meet the specifications as determined by the Federal Voting Assistance Program of the United States Department of Defense and the United States Postal Service.

(4) Cognizance shall be taken of the fact that vote-by-mail ballots and other materials such as instructions and envelopes are to be carried via air mail, and, to the maximum extent possible, such ballots and materials shall be reduced in size and weight of paper. The same ballot shall be used, however, as is used by other vote-by-mail voters.

History.—s. 5, ch. 29904, 1955; ss. 4, 5, ch. 59-217; s. 41, ch. 65-380; s. 12, ch. 69-280; s. 23, ch. 77-175; s. 20, ch. 81-304; s. 37, ch. 94-224; s. 9, ch. 96-57; s. 25, ch. 2003-415; s. 50, ch. 2005-277; s. 8, ch. 2010-167; s. 29, ch. 2016-37; s. 31, ch. 2023-120.

101.6951 State write-in vote-by-mail ballot.—

(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in vote-by-mail ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote a vote-by-mail ballot during the normal vote-by-mail voting period. State write-in vote-by-mail ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in vote-by-mail ballot.

(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.

(4) The state write-in vote-by-mail ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

History.—s. 48, ch. 2001-40; s. 30, ch. 2016-37.

101.6952 Vote-by-mail ballots for absent uniformed services and overseas voters.—

(1) If an absent uniformed services voter's or an overseas voter's request for an official vote-by-mail ballot pursuant to s. 101.62 includes an e-mail address, the supervisor of elections shall:

(a) Record the voter's e-mail address in the vote-by-mail ballot record;

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

(c) Notify the voter by e-mail when the voted vote-by-mail ballot is received by the supervisor of elections.

(2)(a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official vote-by-mail ballot may use the federal write-in absentee ballot to vote in any federal, state, or local election.

(b)1. In an election for federal office, an elector may designate a candidate by writing the name of a candidate on the ballot. Except for a primary or special primary election, the elector may alternatively designate a candidate by writing the name of a political party on the ballot. A written designation of the political party shall be counted as a vote for the candidate of that party if there is such a party candidate in the race.

2. In a state or local election, an elector may vote in the section of the federal write-in absentee ballot designated for nonfederal races by writing on the ballot the title of each office and by writing on the ballot the name of the candidate for whom the elector is voting. Except for a primary, special primary, or nonpartisan election, the elector may alternatively designate a candidate by writing the name of a political party on the ballot. A written designation of the political party shall be counted as a vote for the candidate of that party if there is such a party candidate in the race. In addition, the elector may vote on any ballot measure presented in such election by identifying the ballot measure on which he or she desires to vote and specifying his or her vote on the measure. For purposes of this section, a vote cast in a judicial merit retention election shall be treated in the same manner as a ballot measure in which the only allowable responses are "Yes" or "No."

(c) In the case of a joint candidacy, such as for the offices of President/Vice President or Governor/Lieutenant Governor, a valid vote for one or both qualified candidates on the same ticket shall constitute a vote for the joint candidacy.

(d) For purposes of this subsection and except when the context clearly indicates otherwise, such as when a candidate in the election is affiliated with a political party whose name includes the word "Independent," "Independence," or a similar term, a voter designation of "No Party Affiliation" or "Independent," or any minor variation, misspelling, or abbreviation thereof, shall be considered a designation for the candidate, other than a write-in candidate, who qualified to run in the race with no party affiliation. If more than one candidate qualifies to run as a candidate with no party affiliation, the designation may not count for any candidate unless there is a valid, additional designation of the candidate's name.

(e) Any abbreviation, misspelling, or other minor variation in the form of the name of an office, the name of a candidate, the ballot measure, or the name of a political party must be disregarded in determining the validity of the ballot.

(3)(a) An absent uniformed services voter or an overseas voter who submits a federal write-in absentee ballot and later receives an official vote-by-mail ballot may submit the official vote-by-mail ballot. An elector who submits a federal write-in absentee ballot and later receives and submits an official vote-by-mail ballot should make every reasonable effort to inform the appropriate supervisor of elections that the elector has submitted more than one ballot.

(b) A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received by 7 p.m. on the day of the election shall be canvassed pursuant to ss. 101.5614(4)

and 101.68, unless the elector's official vote-by-mail ballot is received by 7 p.m. on election day. Each federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election received by 10 days after the date of the election shall be canvassed pursuant to ss. 101.5614(4) and 101.68, unless the overseas voter's official vote-by-mail ballot is received by 10 days after the date of the election. If the elector's official vote-by-mail ballot is received by 7 p.m. on election day, or, for an overseas voter in a presidential preference primary or general election, no later than 10 days after the date of the election, the federal write-in absentee ballot is invalid and the official vote-by-mail ballot shall be canvassed. The time shall be regulated by the customary time in standard use in the county seat of the locality.

(4) For vote-by-mail ballots received from absent uniformed services voters or overseas voters, there is a presumption that the envelope was mailed on the date stated on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

(5) A vote-by-mail ballot from an overseas voter in any presidential preference primary or general election which is postmarked or dated no later than the date of the election and is received by the supervisor of elections of the county in which the overseas voter is registered no later than 10 days after the date of the election shall be counted as long as the vote-by-mail ballot is otherwise proper.

History.—s. 49, ch. 2001-40; s. 6, ch. 2004-232; s. 9, ch. 2010-167; s. 1, ch. 2011-162; s. 17, ch. 2013-57; s. 1, ch. 2015-40; s. 31, ch. 2016-37; s. 9, ch. 2018-112.

101.697 Electronic transmission of election materials.—The Department of State shall determine whether secure electronic means can be established for receiving ballots from overseas voters. If such security can be established, the department shall adopt rules to authorize a supervisor of elections to accept from an overseas voter a request for a vote-by-mail ballot or a voted vote-by-mail ballot by secure facsimile machine transmission or other secure electronic means. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

History.—s. 50, ch. 2001-40; s. 51, ch. 2005-277; s. 32, ch. 2016-37.

101.698 Absentee voting in emergency situations.—If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

History.—s. 51, ch. 2001-40.

101.71 Polling place.—

(1) There shall be in each precinct in each county one polling place which shall be accessible to the public on election day and is managed by a board of inspectors and clerk of election. Only one elector shall be allowed to enter any voting booth at a time; no one except inspectors shall be allowed to speak to the elector while casting his or her vote; and no inspector shall speak to or interfere with the elector concerning his or her voting, except to perform the duties as such inspector. Notwithstanding any other provision of this chapter, this section shall be applicable where the computer method of voting is in use, and adequate provision shall be made for the privacy of the elector while casting his or her vote.

(2) Notwithstanding subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable, are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, or do not comply with the requirements of s. 101.715, the supervisor shall, not less than 30 days before the holding of an election, provide for the voting place for such precinct to be moved to another site that is accessible to the public on election day in said precinct or, if such is not available, to another site that is accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the supervisor of elections shall provide adequate supplies, equipment, and personnel are available to accommodate the voters for the precincts that are collocated. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days before the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, by publication on the county's website as provided in s. 50.0311, on the supervisor's website, or at least once in a newspaper of general circulation in the county. A notice of the change of the polling place involved shall be mailed at least 14 days before an election to each registered elector or to each household in which there is a registered elector.

(3) In cases of emergency and when time does not permit compliance with subsection (2), the supervisor of elections shall designate a new polling place which shall be accessible to the public on election day and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place.

(4) Each polling place shall be conspicuously identified by a sign, on or near the premises of the polling place, designating the polling place by precinct number. Such sign shall be large enough to be clearly visible to occupants of passing vehicular traffic on roadways contiguous to the polling place, with letters no smaller than 3 inches high, and shall be displayed at all times while the polls are open on any election day.

(5) Public, tax-supported buildings must be made available for use as polling places, or early voting

locations that meet the requirements specified in s. 101.657, upon the request of the supervisor of elections.

History.—s. 22, ch. 3879, 1889; RS 176; s. 26, ch. 4328, 1895; s. 1, ch. 4699, 1899; GS 208; RGS 252; CGL 308; s. 5, ch. 26870, 1951; s. 1, ch. 57-385; s. 3, ch. 67-530; s. 4, ch. 69-281; s. 23, ch. 77-175; s. 4, ch. 78-188; s. 2, ch. 80-189; s. 12, ch. 80-292; s. 1, ch. 85-38; s. 593, ch. 95-147; s. 25, ch. 2001-40; s. 15, ch. 2002-281; s. 10, ch. 2010-167; s. 32, ch. 2023-120.

Note.—Former s. 99.06.

101.715 Accessibility of polling places for people having a disability.—

(1) All polling places must be accessible and usable by people with disabilities, as provided in this section.

(2) Only those polling places complying with the Florida Americans With Disabilities Accessibility Implementation Act, ss. 553.501-553.513, for all portions of the polling place or the structure in which it is located that voters traverse going to and from the polling place and during the voting process, regardless of the age or function of the building, shall be used for federal, state, and local elections.

(3) The selection of a polling site must ensure accessibility with respect to the following accessible elements, spaces, scope, and technical requirements: accessible route, space allowance and reach ranges, protruding objects, ground and floor surfaces, parking and passenger loading zones, curb ramps, ramps, stairs, elevators, platform lifts, doors, entrances, path of egress, controls and operating mechanisms, signage, and all other minimum requirements.

(4) Standards required at each polling place, regardless of the age of the building or function of the building, include:

(a) For polling places that provide parking spaces for voters, one or more signed accessible parking spaces for disabled persons.

(b) Signage identifying an accessible path of travel to the polling place if it differs from the primary route or entrance.

(c) An unobstructed path of travel to the polling place.

(d) Level, firm, stable, and slip-resistant surfaces.

(e) An unobstructed area for voting.

(f) Sufficient lighting along the accessible path of travel and within the polling place.

(5) The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

History.—s. 1, ch. 76-50; s. 16, ch. 2002-281.

101.731 Short title.—Sections 101.731-101.74 may be cited as the "Elections Emergency Act."

History.—s. 1, ch. 92-16.

101.732 Definitions relating to Elections Emergency Act.—As used in ss. 101.731-101.74:

(1) "Department" means the Department of State.

(2) "Division" means the Division of Elections of the Department of State.

(3) "Emergency" means any occurrence, or threat thereof, whether accidental, natural, or caused by human beings, in war or in peace, that results or may result in substantial injury or harm to the population or substantial damage to or loss of property to the extent it will prohibit an election officer's ability to conduct a safe and orderly election.

History.—s. 2, ch. 92-16; s. 595, ch. 95-147.

101.733 Election emergency; purpose; elections emergency contingency plan.—Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.

(1) The Governor may, upon issuance of an executive order declaring a state of emergency or impending emergency, suspend or delay any election. The Governor may take such action independently or at the request of the Secretary of State, a supervisor of elections from a county affected by the emergency circumstances, or a municipal clerk from a municipality affected by the emergency circumstances.

(2) The Governor, upon consultation with the Secretary of State, shall reschedule any election suspended or delayed due to an emergency. The election shall be held within 10 days after the date of the suspended or delayed election or as soon thereafter as is practicable. Notice of the election must be published on the affected county's website as provided in s. 50.0311, on the affected supervisor's website, or at least once in a newspaper of general circulation in the affected area and, where practicable, broadcast as a public service announcement on radio and television stations at least 1 week before the date the election is to be held.

(3) The Division of Elections of the Department of State shall adopt, by rule, an elections emergency contingency plan, which shall contain goals and policies that give specific direction to state and local elections officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address, but not be limited to, the following concerns:

(a) Providing a procedure for state and local elections officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places.

(b) Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.

(c) Providing a procedure for the release and certification of election returns to the department for

elections suspended or delayed and subsequently rescheduled under the provisions of ss. 101.731-101.74.

History.—s. 3, ch. 92-16; s. 33, ch. 2023-120.

101.74 Temporary change of polling place in case of emergency.—In case of an emergency existing in any precinct at the time of the holding of any election, the supervisor of elections may establish, at any safe and convenient point outside such precinct, an additional polling place for the electors of that precinct, in which place the qualified electors may vote. The registration books of the affected precinct shall be applicable to, and shall be used at, the polling place so established.

History.—s. 39, ch. 3879, 1889; RS 193; s. 70, ch. 4328, 1895; GS 254; RGS 298; CGL 354; s. 5, ch. 26870, 1951; s. 44, ch. 65-380; s. 23, ch. 77-175; s. 2, ch. 83-334; s. 4, ch. 92-16.

Note.—Former s. 99.55.

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and the voting devices of the voting system used in the county are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

(2) The date of the municipal election shall be set by the municipality by ordinance.

(3) Notwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election. The dates for qualifying for the election moved by the passage of such ordinance shall be specifically provided for in the ordinance. The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance.

History.—ss. 1, 2, ch. 59-493; s. 1, ch. 76-68; s. 24, ch. 77-175; s. 5, ch. 92-16; s. 26, ch. 2001-40; s. 4, ch. 2007-30; s. 23, ch. 2008-95; s. 42, ch. 2011-40.

Note.—Former s. 104.451.

CHAPTER 102

CONDUCTING ELECTIONS AND ASCERTAINING THE RESULTS

102.012 Inspectors and clerks to conduct elections.
102.014 Poll worker recruitment and training.
102.021 Compensation of inspectors, clerks, and deputy sheriffs.
102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.
102.071 Tabulation of votes and proclamation of results.
102.072 Vote-by-mail count reporting.
102.091 Duty of sheriff to watch for violations; appointment of special officers.
102.101 Sheriff and other officers not allowed in polling place.
102.111 Elections Canvassing Commission.
102.112 Deadline for submission of county returns to the Department of State.
102.121 Elections Canvassing Commission to issue certificates.
102.131 Returns before canvassing commission.
102.141 County canvassing board; duties.
102.151 County canvassing board to issue certificates; supervisor to give notice to Department of State.
102.155 Certificate of election.
102.166 Manual recounts of overvotes and undervotes.
102.168 Contest of election.
102.1682 Judgment of ouster; revocation of commission; judgment setting aside referendum.
102.1685 Venue.
102.169 Quo warranto not abridged.
102.171 Contest of election to Legislature.

102.012 Inspectors and clerks to conduct elections.—

(1)(a) The supervisor of elections of each county, at least 20 days prior to the holding of any election, shall appoint an election board comprised of poll workers who serve as clerks or inspectors for each precinct in the county. The clerk shall be in charge of, and responsible for, seeing that the election board carries out its duties and responsibilities. Each inspector and each clerk shall take and subscribe to an oath or affirmation, which shall be written or printed, to the effect that he or she will perform the duties of inspector or clerk of election, respectively, according to law and will endeavor to prevent all fraud, deceit, or abuse in conducting the election. The oath may be taken before an officer authorized to administer oaths or before any of the persons who are to act as inspectors, one of them to swear the others, and one of the others sworn thus, in turn, to administer the oath to the one who has not been sworn. The oaths shall be returned with the poll list and the returns of the election to the supervisor. In all questions that may arise before the members of an election board, the decision of a majority of them shall decide the question. The supervisor of elections of each county shall be responsible for the attendance and diligent performance of his or her duties by each clerk and inspector.

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

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed. No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

(3) The supervisor shall furnish inspectors of election for each precinct with the list of registered voters for that precinct. The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

(4) The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment. The election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011.

History.—s. 20, ch. 3879, 1889; RS 174; s. 24, ch. 4328, 1895; s. 8, ch. 4537, 1897; GS 205; RGS 249; s. 1, ch. 8587, 1921; CGL 305; s. 2, ch. 17898, 1937; s. 2, ch. 25384, 1949; s. 6, ch. 26870, 1951; s. 38, ch. 28156, 1953; s. 25, ch. 29934, 1955; s. 10, ch. 57-166; s. 1, ch. 63-53; s. 1, ch. 65-416; s. 1, ch. 67-168; s. 1, ch. 67-385; s. 1, ch. 73-151; s. 25, ch. 77-175; s. 43, ch. 79-400; s. 1, ch. 80-264; s. 50, ch. 81-259; s. 19, ch. 84-302; s. 1, ch. 89-46; s. 596, ch. 95-147; s. 22, ch. 98-129; s. 3, ch. 2000-249; ss. 27, 65, ch. 2001-40; s. 52, ch. 2005-277; s. 43, ch. 2005-278; s. 11, ch. 2010-167; s. 4, ch. 2011-4.

Note.—Former s. 99.03.

102.014 Poll worker recruitment and training.

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. The Division of Elections shall develop a statewide uniform training curriculum for poll workers, and each supervisor shall use such curriculum in training poll workers. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on an election board. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk, the supervisor shall appoint a replacement who meets the qualifications prescribed in s. 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) No clerk shall be entitled to work at the polls unless he or she has had a minimum of 3 hours of training prior to each election.

(b) No inspector shall work at the polls unless he or she has had a minimum of 2 hours of training prior to each election.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall ensure that the manual is available in hard copy or electronic form in every polling place. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

(7) The Department of State shall develop a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability. The program must be conducted locally by each supervisor of elections, and each poll worker must complete the program before working during the current election cycle. The supervisor of elections shall contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in the disability sensitivity programs. The program must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system.

History.—s. 64, ch. 2001-40; s. 19, ch. 2002-17; s. 18, ch. 2002-281; s. 53, ch. 2005-277; s. 17, ch. 2005-286; s. 24, ch. 2008-95.

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(1) Each inspector and each clerk of any election and each deputy sheriff serving at a precinct shall be paid for his or her services by the supervisor of elections, and each inspector who delivers the returns to the county seat shall receive such sums as the supervisor of elections shall determine.

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. 102.014.

History.—s. 24, ch. 4328, 1895; s. 8, ch. 4537, 1897; GS 206; RGS 250; CGL 306; ss. 1, 2, ch. 20448, 1941; s. 3, ch. 25384, 1949; s. 6, ch. 26870, 1951; s. 5, ch. 63-400; s. 1, ch. 65-129; s. 25, ch. 77-175; s. 5, ch. 80-20; s. 597, ch. 95-147; s. 4, ch. 2000-249; s. 66, ch. 2001-40.

Note.—Former s. 99.04.

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.

(1) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.

(2) The sheriff shall deputize a deputy sheriff for each polling place and each early voting site who shall be present during the time the polls or early voting sites are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him or her when necessary to maintain peace and order at the polls or early voting sites.

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

1. Official poll watchers;

2. Inspectors;

3. Election clerks;

4. The supervisor of elections or his or her deputy;

5. Persons there to vote, persons in the care of a voter, or persons caring for such voter;

6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or

7. A person, whether or not a registered voter, who is assisting with or participating in a simulated election for minors, as approved by the supervisor of elections.

(b) The restriction in this subsection does not apply where the polling room is in an area commonly traversed by the public in order to gain access to businesses or homes or in an area traditionally utilized as a public area for discussion.

(4)(a) No person, political committee, or other group or organization may solicit voters inside the polling place or within 150 feet of a secure ballot intake station or the entrance to any polling place, a polling room where the polling place is also a polling room, an early voting site, or an office of the supervisor where vote-by-mail ballots are requested and printed on demand for the convenience of electors who appear in person to request them. Before the opening of a secure ballot intake station location, a polling place, or an early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.

(b) For the purpose of this subsection, the terms "solicit" or "solicitation" shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified in this paragraph; seeking or attempting to seek a signature on any petition; selling or attempting to sell any item; and engaging in any activity with the intent to influence or effect of influencing a voter. The terms "solicit" or "solicitation" may not be construed to prohibit an employee of, or a volunteer with, the supervisor from providing nonpartisan assistance to voters within the no-solicitation zone such as, but not limited to, giving items to voters, or to prohibit exit polling.

(c) Each supervisor of elections shall inform the clerk of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places, including, but not limited to, having disruptive and unruly persons removed by law enforcement officers from the polling room or place or from the 150-foot zone surrounding the polling place.

(d) Except as provided in paragraph (a), the supervisor may not designate a no-solicitation zone or otherwise restrict access to any person, political committee, candidate, or other group or organization for the purposes of soliciting voters. This paragraph applies to any public or private property used as a polling place or early voting site.

(e) The owner, operator, or lessee of the property on which a polling place or an early voting site is located, or an agent or employee thereof, may not prohibit the solicitation of voters by a candidate or a candidate's designee outside of the no-solicitation zone during polling hours.

(5) No photography is permitted in the polling room or early voting area, except an elector may photograph his or her own ballot.

History.—s. 58, ch. 4328, 1895; GS 237; RGS 282; CGL 338; s. 6, ch. 26870, 1951; s. 1, ch. 59-212; s. 25, ch. 77-175; s. 2, ch. 85-205; s. 4, ch. 87-184; s. 15, ch. 87-363; s. 29, ch. 89-338; s. 2, ch. 92-134; s. 598, ch. 95-147; s. 5, ch. 2000-249; s. 54, ch. 2005-277; s. 25, ch. 2008-95; s. 18, ch. 2013-37; s. 18, ch. 2013-57; s. 33, ch. 2016-37; s. 1, ch. 2017-3; ss. 11, 35, ch. 2019-162; s. 29, ch. 2021-11; s. 23, ch. 2022-73.

Note.—Former s. 99.38.

102.071 Tabulation of votes and proclamation of results.—The election board shall post at the polls, for the benefit of the public, the results of the voting for each office or other item on the ballot as the count is completed. Upon completion of all counts in all races, a certificate of the results shall be drawn up by the inspectors and clerk at each precinct upon a form provided by the supervisor of elections which shall contain the name of each person voted for, for each office, and the number of votes cast for each person for such office; and, if any question is submitted, the certificate shall also contain the number of votes cast for and against the question. The certificate shall be signed by the inspectors and clerk and shall be delivered without delay by one of the inspectors, securely sealed, to the supervisor for immediate publication. All the ballot boxes, ballots, ballot stubs, memoranda, and papers of all kinds used in the election shall also be transmitted, after being sealed by the inspectors, to the supervisor's office. Registration books and the poll lists shall not be placed in the ballot boxes but shall be returned to the supervisor.

History.—s. 30, ch. 3879, 1889; RS 184; s. 61, ch. 4328, 1895; s. 2, ch. 4699, 1899; GS 242; RGS 286; CGL 342; s. 9, ch. 25384, 1949; s. 6, ch. 26329, 1949; s. 6, ch. 26870, 1951; s. 39, ch. 28156, 1953; s. 19, ch. 73-334; s. 25, ch. 77-175; s. 45, ch. 79-400; s. 55, ch. 2005-277.

Note.—Former s. 99.43.

102.072 Vote-by-mail count reporting.—Beginning at 7 p.m. on election day, the supervisor must, at least once every hour while actively counting, post on his or her website the number of vote-by-mail ballots that have been received and the number of vote-by-mail ballots that remain uncounted.

History.—s. 30, ch. 2021-11; s. 6, ch. 2022-4.

102.091 Duty of sheriff to watch for violations; appointment of special officers.—

(1) The sheriff shall exercise strict vigilance in the detection of any violations of the election laws and in apprehending the violators.

(2) The Governor, in consultation with the executive director of the Department of Law Enforcement, shall appoint special officers to investigate alleged violations of the election laws to see that violators of the election laws are apprehended and punished. A special officer must be a sworn special agent employed by the Department of Law Enforcement. At least one special officer must be designated in each operational region of the Department of Law Enforcement to serve as a dedicated investigator of alleged violations of the election laws. Appointment as a special officer does not preclude a sworn special agent from conducting other investigations of alleged violations of law, provided that such other investigations do not hinder or interfere with the individual's ability to investigate alleged violations of the election laws.

History.—s. 6, ch. 26870, 1951; s. 3, ch. 65-129; s. 24, ch. 2022-73.

102.101 Sheriff and other officers not allowed in polling place.—A sheriff, a deputy sheriff, a police officer, a special officer appointed pursuant to s. 102.091, or any other officer of the law is not allowed within a polling place without permission from the clerk or a majority of the inspectors, except to cast his or her

ballot. Upon the failure of any such officer to comply with this section, the clerk or the inspectors must make an affidavit against the officer for his or her arrest.

History.—s. 58, ch. 4328, 1895; GS 239; RGS 284; CGL 340; s. 6, ch. 26870, 1951; s. 4, ch. 65-129; s. 25, ch. 77-175; s. 599, ch. 95-147; s. 25, ch. 2022-73.

Note.—Former s. 99.41.

102.111 Elections Canvassing Commission.—

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

(2) The Elections Canvassing Commission shall meet at 8 a.m. on the 9th day after a primary election and at 8 a.m. on the 14th day after a general election to certify the returns of the election for each federal, state, and multicounty office. If a member of a county canvassing board that was constituted pursuant to s. 102.141 determines, within 5 days after the certification by the Elections Canvassing Commission, that a typographical error occurred in the official returns of the county, the correction of which could result in a change in the outcome of an election, the county canvassing board must certify corrected returns to the Department of State within 24 hours, and the Elections Canvassing Commission must correct and recertify the election returns as soon as practicable.

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

History.—s. 35, ch. 3879, 1889; RS 189; s. 66, ch. 4328, 1895; GS 248; RGS 292; CGL 348; s. 6, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 30, ch. 71-377; s. 2, ch. 77-122; s. 25, ch. 77-175; s. 6, ch. 82-143; s. 39, ch. 2001-40; s. 56, ch. 2005-277; s. 12, ch. 2010-167; s. 34, ch. 2023-120.

Note.—Former s. 99.49.

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

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. The returns must contain a certification by the canvassing board that the board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

(2) Returns must be filed no later than noon on the 8th day following a primary election and no later than noon on the 13th day following the general election. However, the Department of State may correct typographical errors, including the transposition of numbers, in any returns submitted to the Department of State pursuant to s. 102.111(2).

(3) If the returns are not received by the department by the time specified, such returns shall be ignored and the results on file at that time shall be certified by the department.

(4) If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.

History.—s. 30, ch. 89-338; s. 7, ch. 99-140; s. 40, ch. 2001-40; s. 57, ch. 2005-277; s. 32, ch. 2007-30; s. 26, ch. 2008-95; s. 13, ch. 2010-167; s. 35, ch. 2023-120.

102.121 Elections Canvassing Commission to issue certificates.—The Elections Canvassing Commission shall make and sign separate certificates of the result of the election for federal and state officers, which certificates shall be written and contain the total number of votes cast for each person for each office. The certificates, the one including the result of the election for presidential electors and representatives to Congress, and the other including the result of the election for state officers, shall be recorded in the Department of State in a book to be kept for that purpose.

History.—s. 35, ch. 3879, 1889; RS 189; s. 66, ch. 4328, 1895; GS 250; RGS 294; CGL 350; s. 6, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 25, ch. 77-175.

Note.—Former s. 99.51.

102.131 Returns before canvassing commission.—If any returns shall appear to be irregular or false so that the Elections Canvassing Commission is unable to determine the true vote for any office, nomination, constitutional amendment, or other measure presented to the electors, the commission shall so certify and shall not include the returns in its determination, canvass, and declaration. The Elections Canvassing Commission in determining the true vote shall not have authority to look beyond the county returns. The Department of State shall file in its office all the returns, together with other documents and papers received by it or the commission. The commission shall canvass the returns for presidential electors and representatives to Congress separately from their canvass of returns for state officers.

History.—s. 35, ch. 3879, 1889; RS 189; s. 66, ch. 4328, 1895; GS 249; RGS 293; CGL 349; s. 6, ch. 26870, 1951; s. 5, ch. 65-129; ss. 10, 35, ch. 69-106; s. 25, ch. 77-175; s. 46, ch. 79-400.

Note.—Former s. 99.50.

102.141 County canvassing board; duties.—

(1) The county canvassing board shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners. The names of the canvassing board members must be published on the supervisor's website upon completion of the logic and accuracy test. At least two alternate canvassing board members must be appointed pursuant to paragraph (e). In the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:

(a) If a county court judge is unable to serve or if all are disqualified, the chief judge of the judicial circuit in which the county is located must appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. In such event, the

members of the county canvassing board shall meet and elect a chair.

(b) If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners must appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The supervisor, however, shall act in an advisory capacity to the canvassing board.

(c) If the chair of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners must appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(d) If a substitute member or alternate member cannot be appointed as provided elsewhere in this subsection, or in the event of a vacancy in such office, the chief judge of the judicial circuit in which the county is located must appoint as a substitute member or alternate member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(e)1. The chief judge of the judicial circuit in which the county is located shall appoint a county court judge as an alternate member of the county canvassing board or, if each county court judge is unable to serve or is disqualified, shall appoint an alternate member who is qualified to serve as a substitute member under paragraph (a). Any alternate may serve in any seat.

2. The chair of the board of county commissioners shall appoint a member of the board of county commissioners as an alternate member of the county canvassing board or, if each member of the board of county commissioners is unable to serve or is disqualified, shall appoint an alternate member who is qualified to serve as a substitute member under paragraph (d).

3. If a member of the county canvassing board is unable to participate in a meeting of the board, the chair of the county canvassing board or his or her designee must designate which alternate member will serve as a member of the board in the place of the member who is unable to participate at that meeting.

4. If not serving as one of the three members of the county canvassing board, an alternate member may be present, observe, and communicate with the three members constituting the county canvassing board, but may not vote in the board's decisions or determinations.

(2)(a) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor to publicly canvass the absent electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. During each meeting of the county canvassing board, each political party and each candidate may have one watcher able to view directly or on a display screen ballots being examined for signature matching and other processes. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. As soon as the absent electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor.

(b) Public notice of the canvassing board members, alternates, time, and place at which the county canvassing board shall meet to canvass the absent electors' ballots and provisional ballots must be given at least 48 hours prior thereto by publication on the county's website as provided in s. 50.0311, on the supervisor's website, or in one or more newspapers of general circulation in the county. If the applicable website becomes unavailable or there is no newspaper of general circulation in the county, the notice must be posted in at least four conspicuous places in the county. The time given in the notice as to the convening of the meeting of the county canvassing board must be specific and may not be a time period during which the board may meet.

(c) If the county canvassing board suspends or recesses a meeting publicly noticed pursuant to paragraph (b) for a period lasting more than 60 minutes, the board must post on the supervisor's website the anticipated time at which the board expects to reconvene. If the county canvassing board does not reconvene at the specified time, the board must provide at least 2 hours' notice, which must be posted on the supervisor's website, before reconvening.

(d) During any meeting of the county canvassing board, a physical notice must be placed in a conspicuous area near the public entrance to the building in which the meeting is taking place. The physical notice must include the names of the individuals officially serving as the county canvassing board, the names of any alternate members, the time of the meeting, and a brief statement as to the anticipated activities of the county canvassing board.

(3) The canvass, except the canvass of absent electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the supervisor, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. of the day following any primary, general, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a retabulation of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the tabulation of the ballots

cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the tabulation of the ballots cast, the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4)(a) The supervisor of elections shall upload into the county's election management system by 7 p.m. on the day before the election the results of all early voting and vote-by-mail ballots that have been canvassed and tabulated by the end of the early voting period. Pursuant to ss. 101.5614(8), 101.657, and 101.68(2), the tabulation of votes cast or the results of such uploads may not be made public before the close of the polls on election day.

(b) The canvassing board shall report all early voting and all tabulated vote-by-mail results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results to the department at least every 45 minutes until all results are completely reported. The supervisor of elections shall notify the department immediately of any circumstances that do not permit periodic updates as required. Results shall be submitted in a format prescribed by the department.

(5) The canvassing board shall submit on forms or in formats provided by the division unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the third day after any primary election and no later than noon on the fourth day after any general or other election. Such returns shall include the canvass of all ballots as required by subsection (2).

(6) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and retabulate the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(7) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, a recount shall be ordered of the votes cast with respect to such office or measure. The Secretary of State is responsible for ordering recounts in federal, state, and multicounty races. The county canvassing board or the local board responsible for certifying the election is responsible for ordering recounts in all other races. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(4). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error. If the automatic tabulating equipment used in a recount is not part of the voting system and the ballots have already been processed through such equipment, the canvassing board is not required to put each ballot through any automatic tabulating equipment again.

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

(c) The canvassing board shall submit on forms or in formats provided by the division a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure. The returns shall be filed no later than 3 p.m. on the 5th day after any primary election and no later than 3 p.m. on the 9th day after any general election in which a recount was ordered by the Secretary of State. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each

certified voting system, which shall be uniform to the extent practicable.

(8) The canvassing board may employ such clerical help to assist with the work of the board as it deems necessary, with at least one member of the board present at all times, until the canvass of the returns is completed. The clerical help shall be paid from the same fund as inspectors and other necessary election officials.

(9) Each member, substitute member, and alternate member of the county canvassing board and all clerical help must wear identification badges during any period in which the county canvassing board is canvassing votes or engaging in other official duties. The identification badges should be worn in a conspicuous and unobstructed area, and include the name of the individual and his or her official position.

(10)(a) The supervisor shall file a report with the Division of Elections on the conduct of the election no later than 20 business days after the Elections Canvassing Commission certifies the election. The report must, at a minimum, describe all of the following:

1. All equipment or software malfunctions at the precinct level, at a counting location, or within computer and telecommunications networks supporting a county location, and the steps that were taken to address the malfunctions.

2. All election definition errors that were discovered after the logic and accuracy test, and the steps that were taken to address the errors.

3. All ballot printing errors, vote-by-mail ballot mailing errors, or ballot supply problems, and the steps that were taken to address the errors or problems.

4. All staffing shortages or procedural violations by employees or precinct workers which were addressed by the supervisor of elections or the county canvassing board during the conduct of the election, and the steps that were taken to correct such issues.

5. All instances where needs for staffing or equipment were insufficient to meet the needs of the voters.

6. Any additional information regarding material issues or problems associated with the conduct of the election.

(b) If a supervisor discovers new or additional information on any of the items required to be included in the report pursuant to paragraph (a) after the report is filed, the supervisor must notify the division that new information has been discovered no later than the next business day after the discovery, and the supervisor must file an amended report signed by the supervisor of elections on the conduct of the election within 10 days after the discovery.

(c) Such reports must be maintained on file in the Division of Elections and must be available for public inspection.

(d) The division shall review the conduct of election reports to determine what problems may be likely to occur in other elections and disseminate such information, along with possible solutions and training, to the supervisors of elections.

(e) The department shall submit the analysis of these reports for the general election as part of the consolidated reports required under ss. 101.591 and 101.595 to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year following a general election.

(11) The supervisor shall file with the department a copy of or an export file from the results database of the county's voting system and other statistical information as may be required by the department, the Legislature, or the Election Assistance Commission. The department shall adopt rules establishing the required content and acceptable formats for the filings and time for filings.

History.—s. 46, ch. 6469, 1913; RGS 350; CGL 407; s. 11, ch. 13761, 1929; s. 6, ch. 26870, 1951; s. 1, ch. 57-104; s. 6, ch. 65-129; s. 19, ch. 73-334; s. 26, ch. 77-175; s. 47, ch. 79-400; s. 18, ch. 84-302; s. 4, ch. 86-33; s. 600, ch. 95-147; s. 41, ch. 2001-40; s. 20, ch. 2002-17; s. 26, ch. 2003-415; s. 58, ch. 2005-277; s. 33, ch. 2007-30; s. 14, ch. 2010-167; s. 43, ch. 2011-40; s. 19, ch. 2013-57; s. 34, ch. 2016-37; s. 10, ch. 2018-112; s. 36, ch. 2019-162; s. 4, ch. 2020-109; s. 31, ch. 2021-11; s. 36, ch. 2023-120.

Note.—Former s. 102.45.

102.151 County canvassing board to issue certificates; supervisor to give notice to Department of State.—The county canvassing board shall make and sign duplicate certificates containing the total number of votes cast for each person nominated or elected, the names of persons for whom such votes were cast, and the number of votes cast for each candidate or nominee. One of such certificates which relates to offices for which the candidates or nominees have been voted for in more than one county shall be immediately transmitted to the Department of State, and the second copy filed in the supervisor's office. The supervisor shall transmit to the Department of State, immediately after the county canvassing board has canvassed the returns of the election, a list containing the names of all county and district officers nominated or elected, the office for which each was nominated or elected, and the mailing address of each.

History.—s. 47, ch. 6469, 1913; RGS 351; CGL 408; s. 12, ch. 13761, 1929; s. 5, ch. 25388, 1949; s. 6, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 27, ch. 77-175; s. 31, ch. 89-338.

Note.—Former s. 102.46.

102.155 Certificate of election.—The supervisor shall give to any person the election of whom is certified by the county canvassing board a certificate of the person's election. The Department of State shall give to any person the election of whom is certified by the state canvassing board a certificate of the person's election. The certificate of election which is issued to any person shall be prima facie evidence of the election of such person.

History.—s. 32, ch. 3879, 1889; RS 186; s. 63, ch. 4328, 1895; GS 245; RGS 289; CGL 345; s. 2, ch. 26870, 1951; s. 5, ch. 77-175; s. 1393, ch. 95-147.

Note.—Former s. 99.46.

102.166 Manual recounts of overvotes and undervotes.—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, a manual recount of the overvotes and undervotes cast in

the entire geographic jurisdiction of such office or ballot measure shall be ordered unless:

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

(b) The number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.

The Secretary of State is responsible for ordering a manual recount for federal, state, and multicounty races. The county canvassing board or local board responsible for certifying the election is responsible for ordering a manual recount for all other races. A manual recount consists of a recount of marksense ballots or of digital images of those ballots by a person.

(2) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State. Any such hardware or software must be capable of simultaneously identifying and sorting overvotes and undervotes in multiple races while simultaneously counting votes. Overvotes and undervotes must be identified and sorted while recounting ballots pursuant to s. 102.141. Overvotes and undervotes may be identified and sorted physically or digitally.

(3) Any manual recount shall be open to the public.

(4)(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for the federal write-in absentee ballot and for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules shall be consistent, to the extent practicable, and may not:

1. Authorize the use of any electronic or electromechanical reading device to review a hybrid voting system ballot that is produced using a voter interface device and that contains both machine-readable fields and machine-printed text of the contest titles and voter selections, unless the printed text is illegible;

2. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or

3. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(c) The rule for the federal write-in absentee ballot must address, at a minimum, the following issues:

1. The appropriate lines or spaces for designating a candidate choice and, for state and local races, the office or ballot measure to be voted, including the proximity of each to the other and the effect of intervening blank lines.

2. The sufficiency of designating a candidate's first or last name when no other candidate in the race has the same or a similar name.

3. The sufficiency of designating a candidate's first or last name when an opposing candidate has the same or a similar name, notwithstanding generational suffixes and titles such as "Jr.," "Sr.," or "III." The rule should contemplate the sufficiency of additional first names and first initials, middle names and middle initials, generational suffixes and titles, nicknames, and, in general elections, the name or abbreviation of a political party.

4. Candidate designations containing both a qualified candidate's name and a political party, including those in which the party designated is the candidate's party, is not the candidate's party, has an opposing candidate in the race, or does not have an opposing candidate in the race.

5. Situations where the abbreviation or name of a candidate is the same as the abbreviation or name of a political party to which the candidate does not belong, including those in which the party designated has another candidate in the race or does not have a candidate in the race.

6. The use of marks, symbols, or language, such as arrows, quotation marks, or the word "same" or "ditto," to indicate that the same political party designation applies to all listed offices or the elector's approval or disapproval of all listed ballot measures.

7. Situations in which an elector designates the name of a qualified candidate for an incorrect office.

8. Situations in which an elector designates an otherwise correct office name that includes an incorrect district number.

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

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) Each duplicate ballot prepared pursuant to s. 101.5614(4) or s. 102.141(7) shall be compared with the original ballot to ensure the correctness of the duplicate.

(c) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot shall be presented to the county canvassing board for a determination.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;
2. Time and place of recounts;
3. Public observance of recounts;
4. Objections to ballot determinations;
5. Record of recount proceedings;
6. Procedures relating to candidate and petitioner representatives; and
7. Procedures relating to the certification and the use of automatic tabulating equipment that is not part of a voting system.

(6) Nothing in this section precludes a county canvassing board or local board involved in the recount from comparing a digital image of a ballot to the corresponding physical paper ballot during a manual recount.

History.—s. 9, ch. 18405, 1937; CGL 1940; Supp. 337(23-b); s. 7, ch. 22858, 1945; s. 5, ch. 26870, 1951; s. 30, ch. 28156, 1953; s. 24, ch. 57-1; s. 29, ch. 65-380; s. 27, ch. 77-175; s. 48, ch. 79-400; s. 15, ch. 89-348; s. 601, ch. 95-147; s. 1, ch.

99-339; s. 42, ch. 2001-40; s. 21, ch. 2002-17; s. 59, ch. 2005-277; s. 34, ch. 2007-30; s. 15, ch. 2010-167; s. 3, ch. 2011-162; s. 2, ch. 2015-40; s. 11, ch. 2018-112; s. 37, ch. 2019-162; s. 5, ch. 2020-109.

Note.—Former s. 100.25; s. 101.57.

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last board responsible for certifying the results officially certifies the results of the election being contested.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

(4) The canvassing board responsible for canvassing the election is an indispensable party defendant in county and local elections. The Elections Canvassing Commission is an indispensable party defendant in federal, state, and multicounty elections and in elections for justice of the Supreme Court, judge of a district court of appeal, and judge of a circuit court. The successful candidate is an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding election.

(8) In any contest that requires a review of the canvassing board's decision on the legality of a provisional or vote-by-mail ballot pursuant to s. 101.048 or s. 101.68 based upon a comparison of the signature of the elector in the registration records with the signature on the provisional or vote-by-mail voter's certificate or the provisional or vote-by-mail cure affidavit, the circuit court may not review or consider any evidence other than the signature of the elector in the registration records, the signature on the respective voter's certificate or cure affidavit, and any supporting identification that the elector submitted with the cure affidavit. The court's review of such issue shall be to determine only if the canvassing board abused its discretion in making its decision.

History.—ss. 7, 8, Art. 10, ch. 38, 1845; RS 199; GS 283; RGS 379; CGL 444; s. 3, ch. 26870, 1951; s. 16, ch. 65-378; s. 28, ch. 77-175; s. 49, ch. 79-400; s. 602, ch. 95-147; s. 3, ch. 99-339; s. 44, ch. 2001-40; s. 60, ch. 2005-277; s. 44, ch. 2011-40; s. 35, ch. 2016-37; s. 38, ch. 2019-162.

Note.—Former s. 104.06; s. 99.192; s. 102.161.

102.1682 Judgment of ouster; revocation of commission; judgment setting aside referendum.

(1) If the contestant is found to be entitled to the office, if on the findings a judgment to that effect is entered, and if the adverse party has been commissioned or has entered upon the duties thereof or is holding the office, then a judgment of ouster shall be entered against such party. Upon presentation of a certified copy of the judgment of ouster to the Governor, the Governor shall revoke such commission and commission the person found in the judgment to be entitled to the office.

(2) If a judgment is entered setting aside a referendum, the election shall be void.

History.—s. 9, Art. 10, ch. 38, 1845; RS 201; GS 285; RGS 381; CGL 446; s. 3, ch. 26870, 1951; s. 18, ch. 65-378; s. 29, ch. 77-175.

Note.—Former s. 104.08; s. 99.211; s. 102.163.

102.1685 Venue.—The venue for contesting a nomination or election or the results of a referendum shall be in the county in which the contestant qualified or in the county in which the question was submitted for referendum or, if the election or referendum covered more than one county, then in Leon County.

History.—s. 3, ch. 26870, 1951; s. 17, ch. 65-378; s. 30, ch. 77-175.

Note.—Former s. 99.202; s. 102.162.

102.169 Quo warranto not abridged.—Nothing in this code shall be construed to abrogate or abridge any remedy that may now exist by quo warranto, but in such

case the proceeding prescribed in s. 102.168 shall be an alternative or cumulative remedy.

History.—RS 203; GS 287; RGS 383; CGL 448; s. 3, ch. 26870, 1951; s. 19, ch. 65-378; s. 31, ch. 77-175.

Note.—Former s. 104.10; s. 99.221; s. 102.164.

102.171 Contest of election to Legislature.—The jurisdiction to hear any contest of the election of a member to either house of the Legislature is vested in the applicable house, as each house, pursuant to s. 2, Art. III of the State Constitution, is the sole judge of the qualifications, elections, and returns of its members. Therefore, the certification of election of any person to the office of member of either house of the Legislature may only be contested in the applicable house by an unsuccessful candidate for such office, in accordance with the rules of that house. This section does not apply to any contest of the nomination of any person for the office of member of either house of the Legislature at any primary or special primary election in which only those qualified electors who are registered members of the political party holding such primary election may vote, as provided for in s. 5(b), Art. VI of the State Constitution. This section does apply to any contest of a primary or special primary election for the office of member of either house of the Legislature in which all qualified electors may vote, as provided for in s. 5(b), Art. VI of the State Constitution, and the recipient of the most votes is deemed to be elected according to applicable law.

History.—s. 4, ch. 99-339.

CHAPTER 103

PRESIDENTIAL ELECTORS; POLITICAL PARTIES; EXECUTIVE COMMITTEES AND MEMBERS

103.011 Electors of President and Vice President.
103.021 Nomination for presidential electors.
103.022 Write-in candidates for President and Vice President.
103.051 Congress sets meeting dates of electors.
103.061 Meeting of electors and filling of vacancies.
103.062 Plurality of votes to fill vacancy; proceeding in case of tie.
103.071 Compensation of electors.
103.081 Use of party name; political advertising.
103.091 Political parties.
103.092 Affiliated party committees.
103.095 Minor political parties.
103.101 Presidential preference primary.
103.121 Powers and duties of executive committees.
103.131 Political party offices deemed vacant in certain cases.
103.141 Removal of county executive committee member for violation of oath.

103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes.

History.—ss. 2, 3, ch. 3879, 1889; RS 157; s. 4, ch. 4328, 1895; s. 3, ch. 4537, 1897; GS 174; RGS 218; CGL 253; s. 2, ch. 25383, 1949; s. 7, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 32, ch. 77-175.

Note.—Former s. 98.07.

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(1)(a) The Governor shall nominate the presidential electors of each political party. The state executive committee of each political party shall by resolution recommend candidates for presidential electors and deliver a certified copy thereof to the Governor no later than noon on August 24 of each presidential election year. The Governor shall nominate only the electors recommended by the state executive committee of the respective political party.

(b) The state executive committee of each political party shall submit the Florida voter registration number and contact information of each presidential elector. Each such presidential elector must be a qualified registered voter of this state and member of the party he or she represents who has taken a written oath that he or she will vote for the candidates of the party that he or she is nominated to represent.

(c) The Governor shall certify to the Department of State no later than 5 p.m. on August 24, in each presidential election year, the names of a number of electors for each political party equal to the number of senators and representatives which this state has in Congress.

(2) The names of the presidential electors may not be printed on the general election ballot, but the names of the actual candidates for President and Vice President for whom the presidential electors will vote if elected must be printed on the ballot in the order in which the party of which the candidate is a nominee polled the highest number of votes for Governor in the last general election.

(3) Candidates for President and Vice President with no party affiliation may have their names printed on the general election ballots if a petition is signed by 1 percent of the registered voters of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than noon on July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the primary election, shall certify the number shown as registered voters of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall allow the required number of persons to be certified as presidential electors in the same manner as party candidates.

(4)(a) A minor political party that is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as presidential electors. Notification to the Department of State under this subsection must be made no later than 5 p.m. on August 24 of the year in which the general election is held. When the Department of State has been so notified, it shall order the names of the candidates nominated by the minor political party to be included on the ballot and shall allow the required number of persons to be certified as presidential electors in the same manner as other party candidates. As used in this section, the term “national party” means a political party that is registered with and recognized as a qualified national committee of a political party by the Federal Election Commission.

(b) A minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered voters of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited must be submitted to the supervisors of elections of the respective county no later than noon on July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the primary election, shall certify the number shown as registered voters of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall allow the required number of persons to be certified as presidential electors in the same manner as other party candidates.

(5) When for any reason a person nominated or elected as a presidential elector is unable to serve because of death, incapacity, or otherwise, the Governor may appoint a person to fill such vacancy who possesses the qualifications required for the elector to have been nominated in the first instance. Such person shall file with the Governor a written oath that he or she will support the same candidates for President and Vice President that the person who is unable to serve was committed to support.

(6) A presidential elector's refusal or failure to vote for the candidates for President and Vice President of the party the presidential elector was nominated to represent constitutes his or her resignation of the position. The vote he or she cast may not be recorded, and his or her position as a presidential elector must be filled as provided in subsection (5).

History.—s. 1, ch. 25143, 1949; s. 7, ch. 26870, 1951; s. 1, ch. 61-364; s. 1, ch. 67-353; ss. 10, 35, ch. 69-106; ss. 7, 8, ch. 70-269; s. 1, ch. 70-439; s. 32, ch. 77-175; s. 8, ch. 83-251; s. 13, ch. 85-80; s. 603, ch. 95-147; s. 5, ch. 99-318; s. 61, ch. 2005-277; s. 18, ch. 2005-286; s. 45, ch. 2011-40; s. 37, ch. 2023-120.

Note.—Former s. 102.011.

103.022 Write-in candidates for President and Vice President.—

(1) Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, before the date of the primary election in the year in which a presidential election is held.

(2) The Department of State shall prescribe the form to be used in administering the oath.

(3) The write-in candidates shall file with the department a certificate naming the required number of persons to serve as electors. The write-in candidates shall submit the Florida voter registration number and contact information for each presidential elector. Each presidential elector must be a qualified registered voter of this state. Such write-in candidates are not entitled to have their names on the ballot.

History.—s. 15, ch. 81-105; s. 9, ch. 83-251; s. 19, ch. 2005-286; s. 38, ch. 2023-120.

103.051 Congress sets meeting dates of electors.—The presidential electors shall, on the day that is directed by Congress and at the time fixed by the Governor, meet at Tallahassee and perform the duties required of them by the Constitution and laws of the United States.

History.—s. 6, ch. 71, 1847; RS 204; GS 288; RGS 384; CGL 449; s. 7, ch. 26870, 1951; s. 32, ch. 77-175; s. 62, ch. 2005-277.

Note.—Former s. 105.01.

103.061 Meeting of electors and filling of vacancies.—Each presidential elector shall, on the day fixed by Congress to elect a President and Vice President and at the time fixed by the Governor, give notice to the Governor that the elector is in Tallahassee and ready to perform the duties of presidential elector. The Governor shall forthwith deliver to the presidential electors present a certificate of the names of all the electors; and if, on examination thereof, it should be found that one or more electors are absent, the electors present shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of one or more of the electors.

History.—s. 8, ch. 71, 1847; RS 206; GS 290; RGS 386; CGL 451; s. 7, ch. 26870, 1951; s. 32, ch. 77-175; s. 1, ch. 85-19; s. 604, ch. 95-147; s. 63, ch. 2005-277.

Note.—Former s. 105.03.

103.062 Plurality of votes to fill vacancy; proceeding in case of tie.—If any more than the number of persons required to fill the vacancy as provided by s. 103.061 receive the highest and an equal number of votes, then the election of those receiving such highest and equal number of votes shall be determined by lot drawn by the Governor in the presence of the presidential electors attending; otherwise, those, to the number required, receiving the highest number of votes, shall be considered elected to fill the vacancy.

History.—s. 7, ch. 26870, 1951; s. 2, ch. 67-353; s. 32, ch. 77-175.

Note.—Former s. 103.031.

103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector's place of residence to Tallahassee and return. Such expenses shall be paid upon approval of the Governor. The amounts necessary to meet the requirements of this section shall be included in the legislative budget request of the Governor. If the amounts appropriated for this purpose are insufficient, the Executive Office of the Governor may release the necessary amounts from the deficiency appropriation.

History.—s. 12, ch. 71, 1847; RS 210; GS 294; RGS 390; CGL 455; ss. 7, chs. 26869, 26870, 1951; s. 1, ch. 61-32; s. 6, ch. 63-400; ss. 2, 3, ch. 67-371; ss. 31, 35, ch. 69-106; s. 86, ch. 79-190; s. 605, ch. 95-147.

Note.—Former s. 105.07.

103.081 Use of party name; political advertising.

(1) No person shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the Department of State, in political advertising in newspapers, other publications, handbills, radio or television, or any other form of advertising in connection with any political activities in support of a candidate of any other party, unless such person shall first obtain the written permission of the chair of the state executive committee of the party the name, abbreviation, or symbol of which is to be used.

(2) No person or group of persons shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the Department of State, in connection with any club, group, association, or organization of any kind unless approval and permission have been given in writing by the state executive committee of such party. This subsection shall not apply to county executive committees of such parties and organizations which are chartered by the national executive committee of the party the name, abbreviation, or symbol of which is to be used, or to organizations using the name of any political party which organizations have been in existence and organized on a statewide basis for a period of 10 years.

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

(4) Notwithstanding any other provision of law to the contrary, an affiliated party committee shall be entitled to use the name, abbreviation, or symbol of the political party of its leader as defined in s. 103.092.

History.—s. 6, ch. 6469, 1913; RGS 304; CGL 360; s. 7, ch. 26870, 1951; s. 26, ch. 29934, 1955; s. 1, ch. 57-202; s. 1, ch. 61-424; s. 3, ch. 67-353; ss. 10, 35, ch. 69-106; s. 32, ch. 77-175; s. 606, ch. 95-147; s. 35, ch. 2007-30; ss. 1, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

Note.—Former s. 102.06.

103.091 Political parties.—

(1) Each political party of the state shall be represented by a state executive committee. County executive committees and other committees may be established in accordance with the rules of the state executive committee. A political party may provide for the selection of its national committee and its state and county executive committees in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, who shall be called the precinct committeeman and committeewoman. For counties divided into 40 or more precincts, the state executive committee may adopt a district unit of representation for such county executive committees. Upon adoption of a district unit of representation, the state executive committee shall request the supervisor of elections of that county, with approval of the board of county commissioners, to provide for election districts as nearly equal in number of registered voters as possible. Each county committeeman or committeewoman shall be a resident of the precinct from which he or she is elected. Each state committeeman or committeewoman must be a member in good standing of the county executive committee for the county in which the state committeeman or committeewoman is a registered voter.

(2) The state executive committee of a political party may by resolution provide a method of election of national committeemen and national committeewomen and of nomination of presidential electors, if such party is entitled to a place on the ballot as otherwise provided for presidential electors, and may provide also for the election of delegates and alternates to national conventions.

(3) The state executive committee of each political party shall file with the Department of State the names and addresses of its chair, vice chair, secretary, treasurer, and members and shall file a copy of its constitution, bylaws, and rules and regulations with the Department of State. Each county executive committee shall file with the state executive committee and with the supervisor of elections the names and addresses of its officers and members.

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms commence on the first day of the month following each presidential general election; but the names of candidates for political party offices may not be placed on the ballot at any other election. The results of such election are determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 71st day, or later than noon of the 67th day, preceding the primary election. A qualifying office may accept and hold qualifying papers submitted not earlier than 14 days before the beginning of the qualifying period, to be processed and filed during the qualifying period. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

(5) In the event no county committeeman or committeewoman is elected, or a vacancy occurs from any other cause in any county executive committee, the county chair shall call a meeting of the county executive committee by due notice to all members, and the vacancy shall be filled by a majority vote of those present at a meeting at which a quorum is present. Such vacancy shall be filled by a qualified member of the political party residing in the district where the vacancy occurred and for the unexpired portion of the term.

(6)(a) In addition to the members provided for in subsection (1), each county executive committee shall include all members of the Legislature who are residents of the county and members of their respective political party and who shall be known as at-large committeemen and committeewomen.

(b) Each state executive committee shall include, as at-large committeemen and committeewomen, all

members of the United States Congress representing the State of Florida who are members of the political party, all statewide elected officials who are members of the party, 10 Florida registered voters who are members of the party as appointed by the Governor if the Governor is a member of the party, and the President of the Senate or the Minority Leader in the Senate, and the Speaker of the House of Representatives or the Minority Leader in the House of Representatives, whichever is a member of the political party, and 20 members of the Legislature who are members of the political party. Ten of the legislators shall be appointed with the concurrence of the state chair of the respective party, as follows: five to be appointed by the President of the Senate; five by the Minority Leader in the Senate; five by the Speaker of the House of Representatives; and five by the Minority Leader in the House.

(c) When a political party allows any member of the state executive committee to have more than one vote per person, other than by proxy, in a matter coming before the state executive committee, the 20 members of the Legislature appointed under paragraph (b) shall not be appointed to the state executive committee and the following elected officials who are members of that political party shall be appointed and shall have the following votes:

1. Governor: a number equal to 15 percent of votes cast by state executive committeemen and committeewomen;

2. Lieutenant Governor: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;

3. Each member of the United States Senate representing the state: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;

4. Attorney General: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;

5. Chief Financial Officer: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;

6. Commissioner of Agriculture: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;

7. President of the Senate: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;

8. Minority leader of the Senate: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;

9. Speaker of the House of Representatives: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;

10. Minority leader of the House of Representatives: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen; and

11. Each member of the United States House of Representatives representing the state: a number equal to 1 percent of the votes cast by state executive committeemen and committeewomen.

(d)1. The governing body of each state executive committee as defined by party rule shall include as at-large committeemen and committeewomen all statewide elected officials who are members of such political party; up to four members of the United States Congress representing the state who are members of such political party and who shall be appointed by the state chair on the basis of geographic representation; the permanent presiding officer selected by the members of each house of the Legislature who are members of such political party; and the minority leader selected by the members of each house of the Legislature who are members of such political party.

2. All members of the governing body shall have one vote per person.

(7) Members of the state executive committee or governing body may vote by proxy.

(8) The conducting of official business in connection with one's public office constitutes good and sufficient reason for failure to attend county or state executive committee meetings or a meeting of the governing body.

History.—ss. 1, 2, 2A, ch. 22039, 1943; ss. 1, 2, 3, ch. 22678, 1945; s. 7, ch. 26870, 1951; s. 32, ch. 77-175; s. 1, ch. 78-1; s. 22, ch. 79-164; s. 3, ch. 81-312; s. 12, ch. 82-143; s. 3, ch. 83-242; s. 33, ch. 84-302; s. 17, ch. 87-363; s. 607, ch. 95-147; s. 2, ch. 95-197; s. 110, ch. 2003-261; s. 20, ch. 2005-286; s. 36, ch. 2007-30; s. 39, ch. 2023-120.

Note.—Former s. 102.71.

103.092 Affiliated party committees.—

(1) For purposes of this section, the term "leader" means the President of the Senate, the Speaker of the House of Representatives, or the minority leader of either house of the Legislature, until a person is designated by a political party conference of members of either house to succeed to any such position, at which time the designee becomes the leader for purposes of this section.

(2) The leader of each political party conference of the House of Representatives and the Senate may establish a separate, affiliated party committee to support the election of candidates of the leader's political party. The affiliated party committee is subject to the same provisions of chapter 106 as a political party.

(3) Each affiliated party committee shall:

(a) Adopt bylaws to include, at a minimum, the designation of a treasurer.

(b) Conduct campaigns for candidates who are members of the leader's political party.

(c) Establish an account.

(d) Raise and expend funds. Such funds may not be expended or committed to be expended except when authorized by the leader of the affiliated party committee.

History.—ss. 2, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

103.095 Minor political parties.—

(1) Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names and addresses of its current officers, including the members of its executive committee, accompanied by a completed uniform statewide voter registration

application as specified in s. 97.052 for each of its current officers and members of its executive committee which reflect their affiliation with the proposed minor political party, and a copy of its constitution, bylaws, and rules and regulations.

(2) Each elector registered to vote in the minor political party in which he or she has so designated has a fundamental right to fully and meaningfully participate in the business and affairs of the minor political party without any monetary encumbrance. The constitution, bylaws, rules, regulations, or other equivalent documents must reflect this fundamental right and must provide for and contain reasonable provisions that, at a minimum, prescribe procedures to: prescribe its membership; conduct its meetings according to generally accepted parliamentary practices; timely notify its members as to the time, date, and place of all of its meetings; timely publish notice on its public and functioning website as to the time, date, and place of all of its meetings; elect its officers; remove its officers; make party nominations when required by law; conduct campaigns for party nominees; raise and expend party funds; select delegates to its national convention, if applicable; select presidential electors, if applicable; and alter or amend all of its governing documents.

(3) The members of the executive committee must elect a chair, vice chair, secretary, and treasurer, all of whom shall be members of the minor political party, and no member may hold more than one office, except that one person may hold the offices of secretary and treasurer.

(4) Upon approval of the minor political party's filing, the department shall process the voter registration applications submitted by the minor political party's officers and members of its executive committee. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days after such changes.

(5) The Division of Elections shall adopt rules to prescribe the manner in which political parties, including minor political parties, may have their filings with the Department of State canceled. Such rules shall, at a minimum, provide for:

(a) Notice, which must contain the facts and conduct that warrant the intended action, including, but not limited to, the failure to have any voters registered in the party, the failure to notify the department of replacement officers, the failure to file campaign finance reports, the failure to adopt and file with the department all governing documents containing the provisions specified in subsection (2), and limited activity.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals are exempt from the confidentiality provisions of s. 106.25.

(6) The requirements of this section are retroactive for any minor political party registered with the department on July 1, 2011, and must be complied with within 180 days after the department provides notice to the minor political party of the requirements contained in this section. Failure of the minor political party to comply with the requirements within 180 days after receipt of the notice shall automatically result in the cancellation of the minor political party's registration.

History.—s. 46, ch. 2011-40.

103.101 Presidential preference primary.—

(1) Each political party other than a minor political party shall, at the presidential preference primary, elect one person to be the party's candidate for nomination for President of the United States or select delegates to the party's national nominating convention, as provided by party rule. The presidential preference primary shall be held on the third Tuesday in March of each presidential election year. Any party rule directing the vote of delegates at a national nominating convention shall reasonably reflect the results of the presidential preference primary, if one is held.

(2) By November 30 of the year preceding the presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted not later than on the first Tuesday after the first Monday in December of the year preceding the presidential preference primary. The Department of State shall immediately notify each presidential candidate listed by the Secretary of State. Such notification shall be in writing, by registered mail, with return receipt requested.

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

(4) The names of candidates for political party nominations for President of the United States shall be printed on official ballots for the presidential preference primary election and shall be marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as they are applicable, as in other state elections. If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the name of the presidential candidates for that political party may not be printed separately, but the ballot may reflect the presidential candidate to whom the delegate is pledged. If, however, a political party has only one presidential candidate, neither the name of the

candidate nor the names of the candidate's delegates shall be printed on the ballot.

(5) The state executive committee of each party, by rule adopted at least 60 days prior to the presidential preference primary election, shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. A copy of any rule adopted by the executive committee shall be filed with the Department of State within 7 days after its adoption and shall become a public record. The Department of State shall review the procedures and shall notify the state executive committee of each political party of any ballot limitations.

(6) All names of candidates or delegates shall be listed as directed by the Department of State.

History.—s. 3, ch. 6469, 1913; RGS 301; CGL 357; ss. 1, 2, 3, ch. 22058, 1943; s. 1, ch. 22729, 1945; s. 1, ch. 25235, 1949; s. 7, ch. 26870, 1951; s. 1, ch. 29947, 1955; s. 4, ch. 67-353; ss. 10, 35, ch. 69-106; s. 2, ch. 71-236; s. 2, ch. 75-246; s. 1, ch. 77-174; s. 32, ch. 77-175; s. 14, ch. 82-143; s. 1, ch. 84-92; s. 1, ch. 86-97; s. 32, ch. 89-338; s. 15, ch. 91-45; s. 608, ch. 95-147; s. 28, ch. 2001-40; s. 3, ch. 2007-30; s. 27, ch. 2008-95; s. 47, ch. 2011-40; s. 28, ch. 2012-116; s. 20, ch. 2013-57; s. 1, ch. 2015-5.

Note.—Former ss. 102.03, 102.72.

103.121 Powers and duties of executive committees.—

(1)(a) Each state and county executive committee of a political party shall have the power and duty:

1. To adopt a constitution by two-thirds vote of the full committee.

2. To adopt such bylaws as it may deem necessary by majority vote of the full committee.

3. To conduct its meetings according to generally accepted parliamentary practice.

4. To make party nomination when required by law.

5. To conduct campaigns for party nominees.

6. To raise and expend party funds. Such funds may not be expended or committed to be expended except after written authorization by the chair of the state or county executive committee.

(b) The county executive committee shall receive payment of assessments upon candidates to be voted for in a single county except state senators, state representatives, and representatives to the Congress of the United States; an affiliated party committee controlled by a leader of the Senate as defined in s. 103.092 shall receive payment of assessments upon candidates for the office of state senator, and an affiliated party committee controlled by a leader of the House of Representatives as defined in s. 103.092 shall receive payment of assessments upon candidates for the office of state representative; and the state executive committees shall receive all other assessments authorized. All party assessments shall be 2 percent of the annual salary of the office sought by the respective candidate. All such committee assessments shall be remitted to the state executive committee of the appropriate party and distributed in accordance with subsection (5), except that assessments for candidates for the office of state senator or state representative shall be remitted to the appropriate affiliated party committee.

(2) The chair and treasurer of an executive committee of any political party shall be accountable for the funds of such committee and jointly liable for their proper expenditure for authorized purposes only. The funds of each such state executive committee shall be publicly audited at the end of each calendar year and a copy of such audit furnished to the Department of State for its examination prior to April 1 of the ensuing year. When filed with the Department of State, copies of such audit shall be public documents. The treasurer of each county executive committee shall maintain adequate records evidencing receipt and disbursement of all party funds received by him or her, and such records shall be publicly audited at the end of each calendar year and a copy of such audit filed with the supervisor of elections and the state executive committee prior to April 1 of the ensuing year.

(3) Any chair or treasurer of a state or county executive committee of any political party who knowingly misappropriates, or makes an unlawful expenditure of, or a false or improper accounting for, the funds of such committee is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The central committee or other equivalent governing body of each state executive committee shall adopt a rule which governs the time and manner in which the respective county executive committees of such party may endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election. Upon adoption, such rule shall provide the exclusive method by which a county committee may so endorse, certify, screen, or otherwise recommend. No later than the date on which qualifying for public office begins pursuant to s. 99.061, the chair of each county executive committee shall notify in writing the supervisor of elections of his or her county whether the county executive committee has endorsed or intends to endorse, certify, screen, or otherwise recommend candidates for nomination pursuant to party rule. A copy of such notification shall be provided to the Secretary of State and to the chair of the appropriate state executive committee.

(5) The state chair of each state executive committee shall return the 2-percent committee assessment for county candidates to the appropriate county executive committees only upon receipt of a written statement that such county executive committee chooses not to endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election and upon the state chair's determination that the county executive committee is in compliance with all Florida statutes and all state party rules, bylaws, constitutions, and requirements.

History.—ss. 20, 21, 23, 28, ch. 6469, 1913; RGS 324, 325, 327, 332; CGL 381, 382, 384, 389; s. 1, ch. 25389, 1949; s. 9, ch. 26329, 1949; s. 7, ch. 26870, 1951; s. 41, ch. 28156, 1953; s. 2, ch. 29935, 1955; s. 1, ch. 57-743; s. 1, ch. 61-157; s. 1, ch. 63-97; ss. 6, 7, 8, ch. 67-353; ss. 10, 35, ch. 69-106; s. 26, ch. 77-104; s. 32, ch. 77-175; s. 50, ch. 79-400; s. 1, ch. 82-160; s. 25, ch. 83-217; s. 2, ch. 83-242; s. 1, ch. 89-256; s. 609, ch. 95-147; s. 64, ch. 2005-277; ss. 3, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

Note.—Former ss. 102.27, 102.28, 102.30, 102.35.

103.131 Political party offices deemed vacant in certain cases.—Every political party office shall be deemed vacant in the following cases:

(1) By the death of the incumbent.

(2) By his or her resignation.

(3) By his or her removal.

(4) By his or her ceasing to be an inhabitant of the state, district, or precinct for which he or she shall have been elected or appointed.

(5) By his or her refusal to accept the office.

(6) The conviction of the incumbent of any felony.

(7) The decision of a competent tribunal declaring void his or her election or appointment, and his or her removal by said tribunal.

(8) By his or her failure to attend, without good and sufficient reason, three consecutive meetings, regular or called, of the committee of which he or she is a member.

History.—s. 1, ch. 59-68; s. 1, ch. 61-122; s. 9, ch. 67-353; s. 610, ch. 95-147.

103.141 Removal of county executive committee member for violation of oath.—If the county executive committee by at least a two-thirds majority vote of the members of the committee, attending a meeting held after due notice has been given and at which meeting a quorum is present, determines an incumbent county executive committee member is guilty of an offense involving a violation of the member's oath of office, the member shall be removed from office and the office shall be deemed vacant. However, if the county committee wrongfully removes a county committee member and the committee member wrongfully removed files suit in the circuit court alleging his or her removal was wrongful and wins the suit, the committee member shall be restored to office and the county committee shall pay the costs incurred by the wrongfully removed committee member in bringing the suit, including reasonable attorney's fees.

History.—s. 10, ch. 67-353; s. 611, ch. 95-147; s. 37, ch. 2007-30; s. 48, ch. 2011-40.

CHAPTER 104

ELECTION CODE: VIOLATIONS; PENALTIES

104.011 False swearing; submission of false voter registration information; prosecution prohibited.
104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.
104.013 Unauthorized use, possession, or destruction of voter information card.
104.031 False declaration to secure assistance in preparing ballot.
104.041 Fraud in connection with casting vote.
104.045 Vote selling.
104.047 Vote-by-mail ballots and voting; violations.
104.051 Violations; neglect of duty; corrupt practices.
104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.
104.061 Corruptly influencing voting.
104.0615 Voter intimidation or suppression prohibited; criminal penalties.
104.0616 Vote-by-mail ballots and voting; violations.
104.071 Remuneration by candidate for services, support, etc.; penalty.
104.081 Threats of employers to control votes of employees.
104.091 Aiding, abetting, advising, or conspiring in violation of the code.
104.101 Failure to assist officers at polls.
104.11 Neglect of duty by sheriff or other officer.
104.13 Intermingling ballots.
104.15 Unqualified electors willfully voting.
104.16 Voting fraudulent ballot.
104.17 Voting in person after casting vote-by-mail ballot.
104.18 Casting more than one ballot at any election.
104.185 Petitions; knowingly signing more than once; signing another person's name or a fictitious name.
104.186 Initiative petitions; violations.
104.187 Initiative petitions; registration.
104.19 Using stickers or rubber stamps or carrying certain items in voting booth; penalty.
104.20 Ballot not to be seen, and other offenses.
104.21 Changing electors' ballots.
104.22 Stealing and destroying records, etc., of election.
104.23 Disclosing how elector votes.
104.24 Penalty for assuming name.
104.26 Penalty for destroying ballot or booth, etc.
104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.
104.2715 False representations of military service; penalty.
104.29 Inspectors refusing to allow watchers while ballots are counted.
104.30 Voting system; unlawful possession; tampering.
104.31 Political activities of state, county, and municipal officers and employees.
104.32 Supervisor of elections; delivery of books to successor.
104.39 Witnesses as to violations.
104.41 Violations not otherwise provided for.
104.42 Fraudulent registration and illegal voting; investigation.
104.43 Grand juries; special investigation.

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

(1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(3) A person may not be charged or convicted for a violation of this section for affirming that he or she has not been convicted of a felony or that, if convicted, he or she has had voting rights restored, if such violation is alleged to have occurred on or after January 8, 2019, but before July 1, 2019.

History.—s. 15, ch. 14715, 1931; CGL 1936 Supp. 8202(6); s. 8, ch. 26870, 1951; s. 19, ch. 71-136; s. 33, ch. 77-175; s. 38, ch. 94-224; s. 31, ch. 97-13; s. 26, ch. 2019-162.

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

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or babysitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and, upon any subsequent conviction, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 63-198; s. 20, ch. 71-136; s. 33, ch. 77-175; s. 39, ch. 94-224; s. 1394, ch. 95-147; s. 32, ch. 97-13; s. 23, ch. 98-129.

104.013 Unauthorized use, possession, or destruction of voter information card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter information card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter information card unless said person has been duly authorized to issue a voter information card.

(3) It is unlawful for any person willfully to destroy or deface the information card of a duly registered voter.

(4) Any person who violates any of the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 76-49; s. 1, ch. 77-174; s. 34, ch. 77-175; s. 3, ch. 91-224; s. 40, ch. 94-224; s. 1395, ch. 95-147; s. 24, ch. 98-129; s. 44, ch. 2005-278.

104.031 False declaration to secure assistance in preparing ballot.—Any person who makes a false declaration for assistance in voting, or in the preparation of his or her ballot, in any election is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 49, ch. 4328, 1895; GS 3829; RGS 5892; CGL 8156; s. 8, ch. 26870, 1951; s. 22, ch. 71-136; s. 35, ch. 77-175; s. 4, ch. 91-224; s. 613, ch. 95-147.

Note.—Former s. 99.31.

104.041 Fraud in connection with casting vote. Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 4, ch. 22014, 1943; s. 1, ch. 25385, 1949; s. 8, ch. 26870, 1951; s. 23, ch. 71-136; s. 35, ch. 77-175.

Note.—Former s. 101.14.

104.045 Vote selling.—Any person who:

(1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or

(2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 81-107; s. 25, ch. 98-129.

104.047 Vote-by-mail ballots and voting; violations.—

(1) Except as provided in s. 101.62 or s. 101.655, any person who requests a vote-by-mail ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.661, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 26, ch. 98-129; s. 34, ch. 99-2; s. 57, ch. 2001-40; s. 54, ch. 2005-278; s. 36, ch. 2016-37.

104.051 Violations; neglect of duty; corrupt practices.—

(1) Any official who willfully violates any of the provisions of this election code shall be excluded from the polls. Any election official who is excluded shall be replaced as provided in this code.

(2) Any official who willfully refuses or willfully neglects to perform his or her duties as prescribed by this election code is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any official who performs his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any supervisor who willfully violates any provision of the Florida Election Code is, upon a finding of such violation by a court of competent jurisdiction, prohibited from receiving the special qualification salary pursuant to s. 145.09(3) for a period of 24 months, dating from the time of the violation.

History.—s. 30, ch. 4328, 1895; s. 10, ch. 4537, 1897; s. 16, ch. 14715, 1931; s. 4, ch. 18407, 1937; GS 215, 3824; RGS 259, 5885; CGL 315, 8148; 1936 Supp. 8151(1); 1940 Supp. 7476(8); ss. 3-E, 4, 7, 8, ch. 22018, 1943; s. 8, ch. 26870, 1951; s. 42, ch. 28156, 1953; s. 24, ch. 71-136; s. 35, ch. 77-175; s. 21, ch. 90-315; s. 614, ch. 95-147; s. 27, ch. 98-129; s. 39, ch. 2019-162.

104.0515 Voting rights; deprivation of, or interference with, prohibited; penalty.—

(1) All citizens of this state who are otherwise qualified by law to vote at any election by the people in this state or in any district, county, city, town, municipality, school district, or other subdivision of this state shall be entitled and allowed to vote at all such elections without distinction according to race, color, or previous condition of servitude, notwithstanding any law, ordinance, regulation, custom, or usage to the contrary.

(2) No person acting under color of law shall:

(a) In determining whether any individual is qualified under law to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under law to other individuals within the same political subdivision who have been found to be qualified to vote; or

(b) Deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under law to vote in such election. This paragraph shall apply to vote-by-mail ballots only if there is a pattern or history of discrimination on the basis of race, color, or previous condition of servitude in regard to vote-by-mail ballots.

(3) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or not to vote as that person may choose, or for the purpose of causing such other person to vote for, or not vote for, any candidate for any office at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(4) No voting qualification or prerequisite to voting, and no standard, practice, or procedure, shall be imposed or applied by any political subdivision of this state to deny or abridge the right of any citizen to vote on account of race or color.

(5) Any person who violates the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 82-59; s. 26, ch. 83-217; s. 5, ch. 91-224; s. 615, ch. 95-147; s. 28, ch. 98-129; s. 37, ch. 2016-37.

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 for the first conviction, and a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

(2) No person shall directly or indirectly give or promise anything of value to another intending thereby to buy that person's or another's vote or to corruptly influence that person or another in casting his or her vote. Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection shall not apply to the serving of food to be consumed at a political rally or meeting or to any item of nominal value which is used as a political advertisement, including a campaign message designed to be worn by a person.

History.—ss. 1, 3, ch. 6470, 1913; RGS 5918; CGL 8182; s. 1, ch. 19617, 1939; s. 1, ch. 20934, 1941; s. 7, ch. 22858, 1945; s. 8, ch. 26870, 1951; s. 1, ch. 65-379; s. 25, ch. 71-136; s. 35, ch. 77-175; s. 51, ch. 79-400; s. 21, ch. 81-304; s. 22, ch. 90-315; s. 616, ch. 95-147; s. 29, ch. 98-129.

104.0615 Voter intimidation or suppression prohibited; criminal penalties.—

(1) This section may be cited as the "Voter Protection Act."

(2) A person may not directly or indirectly use or threaten to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to:

(a) Vote or refrain from voting;

(b) Vote or refrain from voting for any particular individual or ballot measure;

(c) Refrain from registering to vote; or

(d) Refrain from acting as a legally authorized election official or poll watcher.

(3) A person may not knowingly use false information to:

(a) Challenge an individual's right to vote;

(b) Induce or attempt to induce an individual to refrain from voting or registering to vote; or

(c) Induce or attempt to induce an individual to refrain from acting as a legally authorized election official or poll watcher.

(4) A person may not knowingly destroy, mutilate, or deface a voter registration form or election ballot or obstruct or delay the delivery of a voter registration form or election ballot.

(5) A person who violates subsection (2), subsection (3), or subsection (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 76, ch. 2005-277.

104.0616 Vote-by-mail ballots and voting; violations.—

(1) For purposes of this section, the term "immediate family" means a person's spouse or the parent, child, grandparent, grandchild, or sibling of the person or the person's spouse.

(2) Any person who distributes, orders, requests, collects, delivers, or otherwise physically possesses more than two vote-by-mail ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member, except as provided in ss. 101.6105-101.694, including supervised voting at assisted living facilities and nursing home facilities as authorized under s. 101.655, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 53, ch. 2005-278; s. 21, ch. 2013-57; s. 8, ch. 2014-17; s. 38, ch. 2016-37; s. 32, ch. 2021-11; s. 26, ch. 2022-73.

104.071 Remuneration by candidate for services, support, etc.; penalty.—

(1) It is unlawful for any person supporting a candidate, or for any candidate, in order to aid or promote the nomination or election of such candidate in any election, directly or indirectly to:

(a) Promise to appoint another person, promise to secure or aid in securing appointment, nomination or election of another person to any public or private position, or to any position of honor, trust, or emolument, except one who has publicly announced or defined what his or her choice or purpose in relation to any election in which he or she may be called to take part, if elected.

(b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of any communication media, as well as newspapers, to advocate or oppose, through such media,

any candidate for nomination in any election or any candidate for election, and no such owner, editor, or agent shall give, solicit, or accept such payment or reward. It shall likewise be unlawful for any owner, editor, publisher, or agent of any poll-taking or poll-publishing concern to advocate or oppose through such poll any candidate for nomination in any election or any candidate for election in return for the giving or promising to give, pay, or loan any money or other thing of value to said owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.

(c) Give, pay, expend, or contribute any money or thing of value for the furtherance of the candidacy of any other candidate.

(d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection shall not prohibit a candidate from furnishing complimentary tickets to the candidate's campaign fund raiser to other candidates.

(2) A candidate may give his or her own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.

(3) Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, and from and after conviction shall be disqualified to hold office.

History.—s. 8, ch. 26870, 1951; s. 2, ch. 65-379; s. 26, ch. 71-136; s. 35, ch. 77-175; s. 52, ch. 79-400; s. 33, ch. 89-338; s. 617, ch. 95-147.

104.081 Threats of employers to control votes of employees.—It is unlawful for any person having one or more persons in his or her service as employees to discharge or threaten to discharge any employee in his or her service for voting or not voting in any election, state, county, or municipal, for any candidate or measure submitted to a vote of the people. Any person who violates the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 27, ch. 71-136; s. 35, ch. 77-175; s. 618, ch. 95-147; s. 30, ch. 98-129.

104.091 Aiding, abetting, advising, or conspiring in violation of the code.—

(1) Any person who knowingly aids, abets, or advises the violation of this code shall be punished in like manner as the principal offender.

(2) Any person who agrees, conspires, combines, or confederates with another person to commit a violation of this code shall be punished as if he or she had committed the violation.

(3) Any person who knows of a felony violation of this code and gives any aid to the offender who has violated this code, with intent that the offender avoid or escape detection, arrest, trial, or punishment, shall be punished as if he or she had committed the violation. This subsection does not prohibit a member of The Florida Bar from giving legal advice to a client.

History.—s. 8, ch. 26870, 1951; s. 1, ch. 67-164; s. 28, ch. 71-136; s. 35, ch. 77-175; s. 1, ch. 2002-214.

104.101 Failure to assist officers at polls.—Any person summoned by the sheriff or deputy sheriff who fails or refuses to assist him or her in maintaining the peace at the polls is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 27, ch. 3879, 1889; RS 181; s. 58, ch. 4328, 1895; GS 3834; RGS 5896; CGL 8160; s. 8, ch. 26870, 1951; s. 29, ch. 71-136; s. 35, ch. 77-175; s. 619, ch. 95-147.

Note.—Former s. 99.40.

104.11 Neglect of duty by sheriff or other officer. Any sheriff, deputy sheriff, or other officer who willfully neglects or willfully refuses to perform his or her duties relating to elections is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 30, ch. 71-136; s. 35, ch. 77-175; s. 620, ch. 95-147.

104.13 Intermingling ballots.—Whoever willfully places any ballot in the ballot box except as properly voted by electors, or willfully intermingles any other ballots which have not been duly received during the election with the ballots which are voted by the electors, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 3, ch. 65-379; s. 32, ch. 71-136; s. 35, ch. 77-175.

104.15 Unqualified electors willfully voting.—Whoever, knowing he or she is not a qualified elector, willfully votes at any election is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 5, ch. 65-379; s. 34, ch. 71-136; s. 35, ch. 77-175; s. 621, ch. 95-147.

104.16 Voting fraudulent ballot.—

(1) Any elector who knowingly votes or attempts to vote a fraudulent ballot, or any person who knowingly solicits, or attempts, to vote a fraudulent ballot, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Subsection (1) does not apply to an elector to whom notice has been sent pursuant to s. 98.075(7) and who votes a provisional ballot or vote-by-mail ballot before a final determination of eligibility is made.

History.—s. 36, ch. 4328, 1895; GS 221; s. 42, ch. 6469, 1913; RGS 266, 346, 5911; CGL 322, 403; 8175; s. 6, ch. 17898, 1937; s. 3, ch. 17901, 1937; s. 6, ch. 25187, 1949; s. 4, ch. 25386, 1949; s. 8, ch. 26870, 1951; s. 6, ch. 65-379; s. 35, ch. 71-136; s. 35, ch. 77-175; s. 40, ch. 2023-120.

Note.—Former ss. 99.20, 102.41.

104.17 Voting in person after casting vote-by-mail ballot.—Any person who willfully votes or attempts to vote both in person and by vote-by-mail ballot at any election is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 22014, 1943; s. 1, ch. 25385, 1949; s. 8, ch. 26870, 1951; s. 7, ch. 65-379; s. 36, ch. 71-136; s. 35, ch. 77-175; s. 39, ch. 2016-37.

Note.—Former s. 101.11.

104.18 Casting more than one ballot at any election.—

(1) Except as provided in s. 101.6952, whoever willfully votes more than one ballot at any election commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In any prosecution under this section, the prosecution may proceed in any jurisdiction in which one of the ballots was willfully cast, and it is not necessary to prove which of the ballots was cast first.

(2) For purposes of this section, the term "votes more than one ballot at any election" means an occurrence of any of the following:

(a) Voting more than once in the same election within a county located within this state.

(b) Voting more than once in the same election by voting in two or more counties located in this state.

(c) Voting more than once in the same election by voting in this state and in one or more other states or territories of the United States.

History.—s. 8, ch. 26870, 1951; s. 8, ch. 65-379; s. 37, ch. 71-136; s. 35, ch. 77-175; s. 4, ch. 2011-162; s. 41, ch. 2023-120.

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

(1) A person who knowingly signs a petition or petitions for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 77-178; s. 6, ch. 91-224; s. 23, ch. 97-13; s. 27, ch. 2022-73.

104.186 Initiative petitions; violations.—A person who compensates a petition circulator as defined in s. 97.021 based on the number of petition forms gathered commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section does not prohibit employment relationships that do not base payment on the number of signatures collected.

History.—s. 4, ch. 2019-64; s. 28, ch. 2022-73.

104.187 Initiative petitions; registration.—A person who violates s. 100.371(3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 5, ch. 2019-64.

104.19 Using stickers or rubber stamps or carrying certain items in voting booth; penalty.—

(1)(a) It is unlawful for any person casting a ballot at any election to use stickers or rubber stamps or to carry into a voting booth any mechanical device, paper, or memorandum which might be used to affect adversely the normal election process.

(b) In casting a write-in ballot, the elector shall cast the same in his or her own handwriting or in the handwriting of an authorized person aiding him or her.

(2) Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 25187, 1949; s. 8, ch. 26870, 1951; s. 1, ch. 70-136; s. 39, ch. 71-136; s. 35, ch. 77-175; s. 16, ch. 81-105; s. 622, ch. 95-147.

Note.—Former s. 99.201.

104.20 Ballot not to be seen, and other offenses. Any elector who, except as provided by law, allows his or her ballot to be seen by any person; takes or removes, or attempts to take or remove, any ballot from the polling place before the close of the polls; places any mark on his or her ballot by which it may be identified; endeavors to induce any elector to show how he or she voted; aids or attempts to aid any elector unlawfully; or prints or procures to be printed, or has in his or her possession, any copies of any ballot prepared to be voted is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 55, ch. 4328, 1895; s. 2, ch. 4536, 1897; GS 3835; RGS 5897; CGL 8161; s. 8, ch. 26870, 1951; s. 40, ch. 71-136; s. 35, ch. 77-175; s. 623, ch. 95-147; s. 19, ch. 2002-281.

Note.—Former s. 99.34.

104.21 Changing electors' ballots.—Whoever fraudulently changes or attempts to change the vote or ballot of any elector, by which actions such elector is prevented from voting such ballot or from voting such ballot as the elector intended, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 10, ch. 65-379; s. 41, ch. 71-136; s. 35, ch. 77-175; s. 624, ch. 95-147.

104.22 Stealing and destroying records, etc., of election.—Any person who is guilty of stealing, willfully and wrongfully breaking, destroying, mutilating, defacing, or unlawfully moving or securing and detaining the whole or any part of any ballot box or any record tally sheet or copy thereof, returns, or any other paper or document provided for, or who fraudulently makes any entry or alteration therein except as provided by law, or who permits any other person so to do, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 11, ch. 65-379; s. 42, ch. 71-136; s. 35, ch. 77-175.

104.23 Disclosing how elector votes.—Any election official or person assisting any elector who willfully discloses how any elector voted, except upon trial in court, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 8, ch. 26870, 1951; s. 12, ch. 65-379; s. 43, ch. 71-136; s. 35, ch. 77-175.

104.24 Penalty for assuming name.—A person may not, in connection with any part of the election process, fraudulently call himself or herself, or fraudulently pass by, any other name than the name by which the person is registered or fraudulently use the name of another in voting. Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 57, ch. 6469, 1913; RGS 360, 5913; CGL 417, 8177; s. 4, ch. 22014, 1943; s. 1, ch. 25385, 1949; s. 8, ch. 26870, 1951; s. 13, ch. 65-379; s. 44, ch. 71-136; s. 35, ch. 77-175; s. 625, ch. 95-147; s. 31, ch. 98-129.

Note.—Former ss. 101.14, 102.53.

104.26 Penalty for destroying ballot or booth, etc.—Any person who wrongfully, during or before an election, removes, tears down, destroys, or defaces any ballot, booth, compartment, or other convenience provided for the purpose of enabling the elector to prepare his or her ballot, or any card for the instruction of the voter, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 46, ch. 71-136; s. 35, ch. 77-175; s. 626, ch. 95-147.

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

(1) Any candidate who, in a primary election or other election, willfully charges an opposing candidate participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 and, in addition, after conviction shall be disqualified to hold office.

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

History.—s. 44, ch. 28156, 1953; s. 48, ch. 71-136; s. 27, ch. 77-104; s. 35, ch. 77-175; s. 1, ch. 85-210; s. 627, ch. 95-147; s. 44, ch. 97-13.

104.2715 False representations of military service; penalty.—

(1) A candidate who, in a primary or other election, falsely represents, directly or indirectly, that he or she served or is currently serving in the military, whether active duty, reserve, or National Guard, commits a violation of the Florida Election Code.

(2) Any person may file a complaint with the Florida Elections Commission pursuant to s. 106.25 alleging a violation of subsection (1).

(3) The commission shall adopt rules to provide an expedited hearing of complaints filed under subsection (2), or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the director shall assign an administrative law judge to provide an expedited hearing.

(4) Notwithstanding any other law, the commission or administrative law judge shall assess a civil penalty of up to $5,000 against any candidate who is found to have violated subsection (1), which shall be deposited into the General Revenue Fund.

History.—s. 1, ch. 2011-148.

104.29 Inspectors refusing to allow watchers while ballots are counted.—The inspectors or other election officials at the polling place shall, after the polls close, allow as many as three persons near to them to see whether the ballots are being reconciled correctly. Any official who denies this privilege or interferes therewith commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 51, ch. 71-136; s. 35, ch. 77-175; s. 53, ch. 79-400; s. 50, ch. 2011-40.

104.30 Voting system; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system, components, or key thereof is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 26, ch. 13893, 1929; CGL 1936 Supp. 8202(1); s. 8, ch. 26870, 1951; s. 17, ch. 65-379; s. 52, ch. 71-136; s. 35, ch. 77-175; s. 29, ch. 2001-40.
Note.—Former s. 100.28.

104.31 Political activities of state, county, and municipal officers and employees.—

(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall:

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

(c) Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature, of elected officials or candidates for public office in the state or of any county or municipality thereof; and the provisions of paragraph (a) shall not be construed so as to limit the political activity in general or special elections of the officials appointed as the heads or directors of

state administrative agencies, boards, commissions, or committees or of the members of state boards, commissions, or committees, whether they be salaried, nonsalaried, or reimbursed for expense. In the event of a dual capacity of any member of a state board, commission, or committee, any restrictive provisions applicable to either capacity shall apply. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature of the Governor, the elected members of the Governor's Cabinet, or the members of the Legislature. The provisions of paragraphs (b) and (c) shall apply to all officers and employees of the state or of any county or municipality thereof, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with a primary, general, special, bond, referendum, or other election of any kind or nature.

(2) An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty.

(3) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee's off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 110.233.

History.—s. 8, ch. 26870, 1951; s. 7, ch. 29615, 1955; s. 5, ch. 29936, 1955; s. 1, ch. 59-208; s. 18, ch. 65-379; s. 53, ch. 71-136; ss. 1, 2, ch. 74-13; s. 1, ch. 75-261; s. 30, ch. 79-190; s. 1, ch. 80-207; s. 628, ch. 95-147; s. 1, ch. 2006-275.

104.32 Supervisor of elections; delivery of books to successor.—Any supervisor of elections who willfully fails or refuses promptly to comply with the demand of his or her successor for the delivery of registration books, papers, and blanks connected with his or her office is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 3879, 1889; RS 2779; s. 9, ch. 4328, 1895; GS 3820; RGS 5881; CGL 8144; s. 8, ch. 26870, 1951; s. 2, ch. 65-60; s. 54, ch. 71-136; s. 35, ch. 77-175; s. 629, ch. 95-147.

Note.—Former s. 98.21.

104.39 Witnesses as to violations.—Any person who violates any provision of this code shall be a competent witness against any other person so violating and may be compelled to attend and testify as any other person. The testimony given shall not be used in any prosecution or criminal proceeding against the person so testifying, except in a prosecution for perjury.

History.—s. 8, ch. 26870, 1951; s. 35, ch. 77-175.

104.41 Violations not otherwise provided for.—Any violation of this code not otherwise provided for is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 26870, 1951; s. 61, ch. 71-136; s. 35, ch. 77-175.

104.42 Fraudulent registration and illegal voting; investigation.—

(1) The supervisor of elections is authorized to investigate fraudulent registrations and illegal voting and to report his or her findings to the local state attorney and the Office of Election Crimes and Security.

(2) The board of county commissioners in any county may appropriate funds to the supervisor of elections for the purpose of investigating fraudulent registrations and illegal voting.

History.—ss. 12, 14, ch. 17899, 1937; CGL 1940 Supp. 369(4); s. 8, ch. 26870, 1951; s. 35, ch. 77-175; s. 32, ch. 98-129; s. 42, ch. 2023-120.

Note.—Former s. 100.40.

104.43 Grand juries; special investigation.—The grand jury in any circuit shall, upon the request of any candidate or qualified voter, make a special investigation when it convenes during a campaign preceding any election day to determine whether there is any violation of the provisions of this code, and shall return indictments when sufficient ground is found.

History.—s. 8, ch. 26870, 1951; s. 35, ch. 77-175.

CHAPTER 105

NONPARTISAN ELECTIONS

105.011 Definitions.
105.031 Qualification; filing fee; candidate's oath; items required to be filed.
105.035 Petition process of qualifying for certain judicial offices and the office of school board member.
105.036 Initiative for method of selection for circuit or county court judges; procedures for placement on ballot.
105.041 Form of ballot.
105.051 Determination of election or retention to office.
105.061 Electors qualified to vote.
105.071 Candidates for judicial office; limitations on political activity.
105.08 Campaign contribution and expense; reporting.
105.09 Political activity in behalf of a candidate for judicial office limited.
105.10 Applicability of election code.
105.101 Effect of revision of county court judge selection method.
105.102 Effect of revision of circuit court judge selection method.

105.011 Definitions.—

(1) As used in this chapter, the term "judicial office" includes the office of:

(a) Justice of the Supreme Court.

(b) Judge of a district court of appeal.

(c) Judge of a circuit court.

(d) County court judge.

(2) A judicial office is a nonpartisan office, and a candidate for election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation.

History.—s. 1, ch. 71-49; s. 1, ch. 72-310; s. 36, ch. 77-175.

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

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates for judicial office shall qualify no earlier than noon of the 120th day, and no later than noon of the 116th day, before the primary election. Candidates for the office of school board member shall qualify no earlier than noon of the 71st day, and no later than noon of the 67th day, before the primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

(2) FILING IN GROUPS OR DISTRICTS.—Candidates shall qualify in groups or districts where multiple offices are to be filled.

(3) QUALIFYING FEE.—Each candidate qualifying for election to a judicial office or the office of school board member, except write-in judicial or school board candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the petition process. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall transfer all filing fees to the Department of Legal Affairs for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection does not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—

(a) All candidates for the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(b) All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the appropriate qualifying officer upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the qualifying officer and shall be in substantially the following form:

State of Florida
County of ____

Before me, an officer authorized to administer oaths, personally appeared __(please print name as you wish it to appear on the ballot)__, to me well known, who, being sworn, says he or she: is a candidate for the judicial office of ____; that his or her legal residence is ____ County, Florida; that he or she is a qualified elector of the state and of the territorial jurisdiction of the court to which he or she seeks election; that he or she is qualified under the constitution and laws of Florida to hold the judicial office to which he or she desires to be elected or in which he or she desires to be retained; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he or she seeks; that he or she has resigned from any office which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

(Signature of candidate)

(Address of legal residence)

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

(Signature and title of officer administering oath)

(c) In addition, each candidate for judicial office shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed $250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106. If the candidate owes any outstanding fines, fees, or penalties exceeding the threshold amount specified in this paragraph, he or she must also specify the amount owed and each entity that levied such fine, fee, or penalty. For purposes of this paragraph, any such fines, fees, or penalties that have been paid in full at the time of subscribing to the oath or affirmation are not deemed to be outstanding.

(5) ITEMS REQUIRED TO BE FILED.—

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

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

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

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

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

Statement of Candidate for Judicial Office

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

(Signature of candidate)

(Date)

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

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

(6) Notwithstanding the qualifying period prescribed in this section, a filing officer may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

History.—s. 3, ch. 71-49; s. 36, ch. 77-175; s. 1, ch. 78-260; s. 5, ch. 79-365; s. 54, ch. 79-400; s. 17, ch. 81-105; s. 10, ch. 83-251; s. 1, ch. 89-152; s. 34, ch. 89-338; s. 5, ch. 91-107; s. 630, ch. 95-147; s. 2, ch. 95-156; s. 13, ch. 97-13; s. 13, ch. 99-6; s. 2, ch. 99-326; s. 2, ch. 99-355; s. 23, ch. 2002-17; s. 65, ch. 2005-277; s. 21, ch. 2005-286; s. 40, ch. 2007-30; s. 4, ch. 2010-16; s. 51, ch. 2011-40; s. 2, ch. 2023-46; s. 43, ch. 2023-120.

105.035 Petition process of qualifying for certain judicial offices and the office of school board member.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this petition process is not required to pay the qualifying fee required by this chapter.

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

(3) Each candidate for election to a judicial office or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself

of the provisions of this section. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021.

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

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

History.—s. 37, ch. 77-175; s. 2, ch. 89-152; s. 35, ch. 89-338; s. 23, ch. 90-315; s. 631, ch. 95-147; s. 6, ch. 99-318; s. 3, ch. 99-326; s. 66, ch. 2005-277.

105.036 Initiative for method of selection for circuit or county court judges; procedures for placement on ballot.—

(1) A local option for merit selection and retention or the election of circuit or county court judges may be placed on the ballot for the general election occurring in excess of 90 days from the certification of ballot position by the Secretary of State for circuit court judges or the county supervisor of elections for county court judges. The ballot shall provide for a vote on the method for selection of judges not currently used for filling judicial offices in the county or circuit.

(2) Certification of ballot position for the method of selection of circuit court judges shall be issued when the Secretary of State has received a verification certificate from each supervisor of elections in a circuit indicating that the requisite number of valid signatures of electors in the circuit has been submitted and verified by the supervisor or supervisors of that circuit. Certification of ballot position for the method of selection of county court judges shall be issued when the supervisor of elections in a county indicates that the requisite number of signatures of electors in the county has been submitted to and verified by the supervisor. Each signature shall be dated when made and shall be valid for a period of 2 years following such date, provided all requirements of law are complied with.

(3) The sponsor of an initiative for merit selection and retention or election of circuit or county court judges must register as a political committee pursuant to s. 106.03.

(4) The Secretary of State shall adopt rules pursuant to ss. 120.536(1) and 120.54 prescribing the style and requirements of the circuit court and county court forms for collection of signatures.

(5) No later than 5 p.m. 151 days prior to the general election at which the proposed judicial selection initiative is to be voted on, the sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee or filing of the undue burden oath required by s. 99.097. Verification must be completed at least 91 days prior to the general election. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked and the number of signatures verified as valid and as being of registered electors of the applicable county or circuit. This certificate must be immediately transmitted to the Secretary of State for petitions related to the method of selection of circuit court judges. The supervisor must retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the committee that circulated the petition is no longer seeking to obtain ballot position as determined by the Division of Elections for circuit court petitions or by the supervisor of elections for county court petitions.

(6) Upon a determination by the Secretary of State for circuit court petitions or by the supervisor of elections for county court petitions that the requisite number of valid signatures has been obtained, a certification of ballot position must be issued for the proposed method of selection of judges. A request to exercise a local option to change the method for selection of circuit or county court judges is deemed filed with the Secretary of State for circuit court judges or the supervisor of elections for county court judges upon the date of the

receipt of a certificate or certificates indicating the petition has been signed by the constitutionally required number of electors.

(7) Within 10 days after each general election for which an initiative to change the method of selection of circuit or county court judges was placed on the ballot in any circuit or county in the state, the Secretary of State must notify the Chief Justice of the Supreme Court of Florida of the changed method for selection of judges for any circuit or county where the initiative passed.

(8) The Department of State shall have the authority to promulgate rules in accordance with ss. 120.536(1) and 120.54 to carry out the provisions of this section.

History.—s. 9, ch. 99-355; s. 25, ch. 2019-3.

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for nonpartisan office which appear on the ballot at the primary election shall be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to nonpartisan office which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—The order of nonpartisan offices appearing on the ballot shall be determined by the Department of State. The names of candidates for election to each nonpartisan office shall be listed in alphabetical order. With respect to retention of justices and judges, the question "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" shall appear on the ballot in alphabetical order and thereafter the words "Yes" and "No."

(3) REFERENCE TO PARTY AFFILIATION PROHIBITED.—No reference to political party affiliation shall appear on any ballot with respect to any nonpartisan office or candidate.

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for an elector to write in the name of a write-in candidate for judge of a circuit court or county court or member of a school board if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031. This subsection shall not apply to the offices of justices and judges seeking retention.

History.—s. 4, ch. 71-49; s. 38, ch. 77-175; s. 55, ch. 79-400; s. 1, ch. 80-305; s. 18, ch. 81-105; s. 4, ch. 99-326; s. 3, ch. 99-355; s. 2, ch. 2000-361; s. 22, ch. 2005-286; s. 34, ch. 2008-95.

105.051 Determination of election or retention to office.—

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

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

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the primary election. If any candidate for such office receives a majority of the votes cast for such office in the primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

(c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(2) RETENTION.—With respect to any justice or judge who qualifies to run for retention in office, the question prescribed in s. 105.041(2) shall be placed on the ballot at the general election. If a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, the justice or judge shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If less than a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, a vacancy shall exist in such office upon the expiration of the term being served by the justice or judge.

History.—s. 5, ch. 71-49; s. 38, ch. 77-175; s. 19, ch. 81-105; s. 632, ch. 95-147; s. 5, ch. 99-326; s. 4, ch. 99-355; s. 23, ch. 2005-286.

105.061 Electors qualified to vote.—

(1) Each qualified elector of the territorial jurisdiction of a court shall be eligible to vote for a candidate for each judicial office of such court or, in the case of a justice or a judge seeking retention, for or against retention of such justice or judge.

(2) The election of members of a school board shall be by vote of the qualified electors as prescribed in chapter 1001.

History.—s. 6, ch. 71-49; s. 38, ch. 77-175; s. 6, ch. 99-326; s. 5, ch. 99-355; s. 887, ch. 2002-387.

105.071 Candidates for judicial office; limitations on political activity.—A candidate for judicial office shall not:

(1) Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which she or he is registered to vote.

(2) Campaign as a member of any political party.

(3) Publicly represent or advertise herself or himself as a member of any political party.

(4) Endorse any candidate.
(5) Make political speeches other than in the candidate's own behalf.
(6) Make contributions to political party funds.
(7) Accept contributions from any political party.
(8) Solicit contributions for any political party.
(9) Accept or retain a place on any political party committee.
(10) Make any contribution to any person, group, or organization for its endorsement to judicial office.
(11) Agree to pay all or any part of any advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to $1,000 to be determined by the Florida Elections Commission.

History.—s. 7, ch. 71-49; s. 2, ch. 72-310; s. 38, ch. 77-175; s. 633, ch. 95-147; s. 7, ch. 99-326.

105.08 Campaign contribution and expense; reporting.—
(1) A candidate for judicial office or the office of school board member may accept contributions and may incur only such expenses as are authorized by law. Each such candidate shall keep an accurate record of his or her contributions and expenses, and shall file reports pursuant to chapter 106.
(2) Notwithstanding any other provision of this chapter or chapter 106, a candidate for retention as a justice or a judge who has not received any contribution or made any expenditure may file a sworn statement at the time of qualifying that he or she does not anticipate receiving contributions or making expenditures in connection with the candidacy for retention to office. Such candidate shall file a final report pursuant to s. 106.141, within 90 days following the general election for which the candidate's name appeared on the ballot for retention. Any such candidate for retention to judicial office who, after filing a statement pursuant to this subsection, receives any contribution or makes any expenditure in connection with the candidacy for retention shall immediately file a statement to that effect with the qualifying officer and shall begin filing reports as an opposed candidate pursuant to s. 106.07.

History.—s. 8, ch. 71-49; s. 38, ch. 77-175; s. 3, ch. 89-152; s. 634, ch. 95-147; s. 8, ch. 99-326; s. 6, ch. 99-355.

105.09 Political activity in behalf of a candidate for judicial office limited.—
(1) No political party or partisan political organization shall endorse, support, or assist any candidate in a campaign for election to judicial office.
(2) Any person who knowingly, in an individual capacity or as an officer of an organization, violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 9, ch. 71-49; s. 38, ch. 77-175; s. 635, ch. 95-147.

105.10 Applicability of election code.—If any provision of this chapter is in conflict with any other provision of this code, the provision of this chapter shall prevail.

History.—s. 10, ch. 71-49; s. 38, ch. 77-175.

105.101 Effect of revision of county court judge selection method.—No county court judge elected prior to or at the election that approves any revision to the selection of county court judges shall be affected in his or her term of office. Any county judge wishing to apply for a subsequent term will be elected or retained pursuant to the method of election or selection and retention of county court judges in effect in the county for the election preceding the end of the judge's term of office.

History.—s. 11, ch. 99-355.

105.102 Effect of revision of circuit court judge selection method.—No circuit court judge elected prior to or at the election that approves any revision to the selection of circuit court judge shall be affected in his or her term of office. Any circuit court judge wishing to apply for a subsequent term will be elected or retained pursuant to the method of election or selection and retention of circuit court judges in effect in the circuit for the election preceding the end of the judge's term of office.

History.—s. 12, ch. 99-355.

CHAPTER 106

CAMPAIGN FINANCING

106.011 Definitions.
106.021 Campaign treasurers; deputies; primary and secondary depositories.
106.022 Appointment of a registered agent; duties.
106.023 Statement of candidate.
106.025 Campaign fund raisers.
106.03 Registration of political committees and electioneering communications organizations.
106.05 Deposit of contributions; statement of campaign treasurer.
106.055 Valuation of in-kind contributions.
106.06 Treasurer to keep records; inspections.
106.07 Reports; certification and filing.
106.0701 Solicitation of contributions on behalf of s. 527 or s. 501(c)(4) organizations; reporting requirements; civil penalty; exemption.
106.0702 Reporting; political party executive committee candidates.
106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.
106.0705 Electronic filing of campaign treasurer's reports.
106.0706 Electronic filing of campaign finance reports; public records exemption.
106.071 Independent expenditures; electioneering communications; reports; disclaimers.
106.072 Social media deplatforming of political candidates.
106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.
106.08 Contributions; limitations on.
106.087 Independent expenditures; contribution limits; restrictions on political parties and political committees.
106.088 Independent expenditures; contribution limits; restrictions on affiliated party committees.
106.09 Cash contributions and contribution by cashier's checks.
106.11 Expenses of and expenditures by candidates and political committees.
106.113 Expenditures by local governments.
106.12 Petty cash funds allowed.
106.125 Credit cards; conditions on use.
106.14 Utilities; deposits; prior authorization.
106.1405 Use of campaign funds.
106.141 Disposition of surplus funds by candidates.
106.143 Political advertisements circulated prior to election; requirements.
106.1435 Usage and removal of political campaign advertisements.
106.1436 Voter guide; disclaimers; violations.
106.1437 Miscellaneous advertisements.
106.1439 Electioneering communications; disclaimers.
106.147 Text message and telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.
106.1475 Text message and telephone solicitation; registered agent requirements; penalty.
106.15 Certain acts prohibited.
106.16 Limitation on certain rates and charges.
106.161 Air time available at the lowest unit rate.
106.165 Use of closed captioning and descriptive narrative in all television broadcasts.
106.17 Polls and surveys relating to candidacies.
106.18 When a candidate's name to be omitted from ballot.
106.19 Violations by candidates, persons connected with campaigns, and political committees.
106.191 Signatures gathered for initiative petition; effect of ch. 97-13.
106.21 Certificates of election not to be issued upon conviction.
106.22 Duties of the Division of Elections.
106.23 Powers of the Division of Elections.
106.24 Florida Elections Commission; membership; powers; duties.
106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.
106.26 Powers of commission; rights and responsibilities of parties; findings by commission.
106.265 Civil penalties.
106.27 Determinations by commission; legal disposition.
106.28 Limitation of actions.
106.29 Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.
106.295 Leadership fund.
106.30 Short title.
106.31 Legislative intent.
106.32 Election Campaign Financing Trust Fund.
106.33 Election campaign financing; eligibility.
106.34 Expenditure limits.
106.35 Distribution of funds.
106.353 Candidates voluntarily abiding by election campaign financing limits but not requesting public funds; irrevocable statement required; penalty.
106.355 Nonparticipating candidate exceeding limits.
106.36 Penalties; fines.

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

(1) "Campaign fund raiser" means an affair held to raise funds to be used in a campaign for public office.

(2) "Campaign treasurer" means an individual appointed by a candidate or political committee as provided in this chapter.

(3) "Candidate" means a person to whom any of the following applies:

(a) A person who seeks to qualify for nomination or election by means of the petitioning process.

(b) A person who seeks to qualify for election as a write-in candidate.

(c) A person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office.

(d) A person who appoints a treasurer and designates a primary depository.

(e) A person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee. Expenditures related to potential candidate polls as provided in s. 106.17 are not contributions or expenditures for purposes of this subsection.

(4) "Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure is deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding the costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure is deemed an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

(5) "Contribution" means:

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

(b) A transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups.

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

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

Notwithstanding the foregoing meanings of "contribution," the term may not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

(6) "Division" means the Division of Elections of the Department of State.

(7) "Election" means a primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, selecting a member of a political party executive committee, or submitting an issue to the electors for their approval or rejection.

(8)(a) "Electioneering communication" means a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;

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

3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

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

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence before the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

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

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

a. The staging organization is either:

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

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

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

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

(d) For purposes of this chapter, an electioneering communication does not constitute an independent expenditure and is not subject to the limitations applicable to independent expenditures.

(9) "Electioneering communications organization" means any group, other than a political party, affiliated party committee, or political committee, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under this chapter.

(10)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

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

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

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

3. The electioneering communication is publicly disseminated.

(11) "Filing officer" means the person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers.

(12)(a) "Independent expenditure" means an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period is not an independent expenditure.

(b) An expenditure for the purpose of expressly advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of the political party, an affiliated party committee, a political committee, or any other person is not considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue;

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to a general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue;

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member;

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue;

5. After the last day of the qualifying period prescribed for the candidate, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

a. An officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or

b. A person whose professional services have been retained by a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate;

6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of a person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(13) "Issue" means a proposition that is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of a political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or a proposition for which a petition is circulated in order to have such proposition placed on the ballot at an election.

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

(15) "Political advertisement" means a paid expression in a communications medium prescribed in subsection (4), whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:

(a) A statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

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

(16)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of $500 during a single calendar year:

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, affiliated party committee, or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party;

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

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

1. National political parties, the state and county executive committees of political parties, and affiliated party committees regulated by chapter 103.

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

3. Electioneering communications organizations as defined in subsection (9).

(17) "Public office" means a state, county, municipal, or school or other district office or position that is filled by vote of the electors.

(18) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day on which a person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of a primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. 100.111(3), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

History.—s. 1, ch. 73-128; s. 1, ch. 74-200; s. 1, ch. 77-174; s. 39, ch. 77-175; s. 2, ch. 79-157; ss. 6, 17, ch. 79-365; s. 1, ch. 79-378; s. 22, ch. 81-304; s. 34, ch. 84-302; s. 4, ch. 85-226; s. 2, ch. 89-256; s. 1, ch. 89-537; s. 24, ch. 90-315; s. 9, ch. 91-107; s. 636, ch. 95-147; s. 2, ch. 97-13; s. 7, ch. 99-355; s. 1, ch. 2002-197; s. 2, ch. 2004-252; s. 1, ch. 2006-300; s. 19, ch. 2010-167; ss. 4, 30, ch. 2011-6; s. 52, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 5, ch. 2012-5; s. 3, ch. 2013-37; s. 9, ch. 2014-17; s. 1, ch. 2021-49.

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

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository before qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he or she obtains the petitions. At the same time a candidate designates a campaign depository and appoints a treasurer, the candidate shall also designate the office for which he or she is a candidate. If the candidate is running for an office that will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he or she is running. This subsection does not prohibit a candidate, at a later date, from changing the designation of the office for which he or she is a candidate. However, if a candidate changes the designated office for which he or she is a candidate, the candidate must notify all contributors in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought. This notification shall be given within 15 days

after the filing of the change of designation and shall include a standard form developed by the Division of Elections for requesting the return of contributions. The notice requirement does not apply to any change in a numerical designation resulting solely from redistricting. If, within 30 days after being notified by the candidate of the intent to seek a different office, the contributor notifies the candidate in writing that the contributor wishes his or her contribution to be returned, the candidate shall return the contribution, on a pro rata basis, calculated as of the date the change of designation is filed. Up to a maximum of the contribution limits specified in s. 106.08, a candidate who runs for an office other than the office originally designated may use any contribution that a donor does not request be returned within the 30-day period for the newly designated office, provided the candidate disposes of any amount exceeding the contribution limit pursuant to the options in s. 106.11(5)(b) and (c) or s. 106.141(4)(a)1., 2., or 4.; notwithstanding, the full amount of the contribution for the original office shall count toward the contribution limits specified in s. 106.08 for the newly designated office. A person may not accept any contribution or make any expenditure with a view to bringing about his or her nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on the person's behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate for an office voted upon statewide may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than 3 deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to register pursuant to s. 106.03.

(b) Except as provided in paragraph (d), each candidate and each political committee shall also designate one primary campaign depository for the purpose of depositing all contributions received, and disbursing all expenditures made, by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held in which the candidate or committee participates. Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository. Any bank, savings and loan association, or credit union authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his, her, or its campaign treasurer pursuant to paragraph (a). In addition, the campaign treasurer or a deputy campaign treasurer may deposit any funds which are in the primary campaign depository and which are not then currently needed for the disbursement of expenditures into a separate interest-bearing account in any bank, savings and loan association, or credit union authorized to transact business in this state. The separate interest-bearing account shall be designated "__(name of candidate or committee)__ separate interest-bearing campaign account." In lieu thereof, the campaign treasurer or deputy campaign treasurer may purchase a certificate of deposit with such unneeded funds in such bank, savings and loan association, or credit union. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other account or certificate of deposit. Any withdrawal of the principal or earned interest or any part thereof shall only be made from the separate interest-bearing account or certificate of deposit for the purpose of transferring funds to the primary account and shall be reported as a contribution.

(c) Any campaign treasurer or deputy treasurer appointed pursuant to this section shall, before such appointment may become effective, have accepted appointment to such position in writing and filed such acceptance with the officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint herself or himself as campaign treasurer.

(d) Any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates shall not be required to designate a campaign depository in the state.

(2) A candidate or political committee may remove his, her, or its campaign treasurer or any deputy treasurer. In case of the death, resignation, or removal of a campaign treasurer before compliance with all obligations of a campaign treasurer under this chapter, the candidate or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment. No resignation shall be effective until it has been submitted to the candidate or committee in writing and a copy thereof has been filed with the officer before whom the candidate is required to qualify or the officer with whom the political committee is required to file reports. No treasurer or deputy treasurer shall be deemed removed by a candidate or political committee until written notice of such removal has been given to such treasurer or deputy treasurer and has been filed with the officer before whom such candidate is required to qualify or with the officer with whom such committee is required to file reports.

(3) No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee, subject to the following exceptions:

(a) Independent expenditures;

(b) Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign or activities of the political committee by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). The full name of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to s. 106.07(4), together with the purpose of such payment;

(c) Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to s. 106.07(4)(a)13.; or

(d) Expenditures made directly by any affiliated party committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure may not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

(4) A deputy campaign treasurer may exercise any of the powers and duties of a campaign treasurer as set forth in this chapter when specifically authorized to do so by the campaign treasurer and the candidate, in the case of a candidate, or the campaign treasurer and chair of the political committee, in the case of a political committee.

(5) For purposes of appointing a campaign treasurer and designating a campaign depository, candidates for the offices of Governor and Lieutenant Governor on the same ticket shall be considered a single candidate.

History.—s. 2, ch. 73-128; s. 2, ch. 74-200; s. 1, ch. 75-139; s. 39, ch. 77-175; s. 2, ch. 79-378; s. 56, ch. 79-400; s. 23, ch. 81-304; s. 35, ch. 84-302; s. 3, ch. 89-256; s. 25, ch. 90-315; s. 10, ch. 91-107; s. 637, ch. 95-147; s. 9, ch. 97-13; s. 28, ch. 2002-17; s. 14, ch. 2004-252; s. 41, ch. 2007-30; s. 28, ch. 2008-95; ss. 5, 30, ch. 2011-6; s. 53, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 4, ch. 2013-37.

106.022 Appointment of a registered agent; duties.—

(1) Each political committee or electioneering communications organization shall have and continuously maintain in this state a registered office and a registered agent and must file with the filing officer a statement of appointment for the registered office and registered agent. The statement of appointment must:

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

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

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

(d) Include the entity's undertaking to inform the filing officer of any change in such designated address;

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

(f) Contain the signature of the registered agent and the entity engaging the registered agent.

(2) An entity may change its appointment of registered agent and registered office under this section by executing a written statement of change and filing it with the filing officer. The statement must satisfy all of the requirements of subsection (1).

(3) A registered agent may resign his or her appointment as registered agent by executing a written statement of resignation and filing it with the filing officer. An entity without a registered agent may not make expenditures or accept contributions until it files a written statement of change as required in subsection (2).

History.—s. 67, ch. 2005-277; s. 2, ch. 2006-300; s. 20, ch. 2010-167; ss. 6, 30, ch. 2011-6; s. 54, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 5, ch. 2013-37.

106.023 Statement of candidate.—

(1) Each candidate must file a statement with the qualifying officer within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of this chapter. Such statement shall be provided by the filing officer and shall be in substantially the following form:

STATEMENT OF CANDIDATE

I, ____, candidate for the office of ____, have been provided access to read and understand the requirements of Chapter 106, Florida Statutes.

(Signature of candidate) (Date)

Willful failure to file this form is a violation of ss. 106.19(1)(c) and 106.25(3), F.S.

(2) The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of this chapter or chapter 104 is a willful violation.

History.—s. 26, ch. 90-315; s. 638, ch. 95-147; s. 15, ch. 2004-252; s. 15, ch. 2008-4; s. 55, ch. 2011-40.

106.025 Campaign fund raisers.—

(1)(a) No campaign fund raiser may be held unless the person for whom such funds are to be so used is a candidate for public office.

(b) All money and contributions received with respect to such a campaign fund raiser shall be deemed to be campaign contributions, and shall be accounted for, and subject to the same restrictions, as other campaign contributions. All expenditures made with respect to such a campaign fund raiser which are made or reimbursed by a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures to be accounted for, and subject to the same restrictions, as other campaign expenditures.

(c) Any tickets or advertising for a campaign fund raiser must comply with the requirements of s. 106.143.

(d) Any person or candidate who holds a campaign fund raiser, or consents to a campaign fund raiser being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section shall not apply to any campaign fund raiser held on behalf of a political party by the state

or county executive committee or an affiliated party committee of such party, provided that the proceeds of such campaign fund raiser are reported pursuant to s. 106.29.

History.—s. 40, ch. 77-175; s. 51, ch. 81-259; s. 24, ch. 81-304; s. 27, ch. 83-217; s. 4, ch. 89-256; ss. 7, 30, ch. 2011-6; s. 56, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 6, ch. 2013-37.

106.03 Registration of political committees and electioneering communications organizations.—

(1)(a) Each political committee that receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $500 or that seeks the signatures of registered electors in support of an initiative shall file a statement of organization as provided in subsection (3) within 10 days after its organization. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.

(b)1. Each group shall file a statement of organization as an electioneering communications organization within 24 hours after the date on which it makes expenditures for an electioneering communication in excess of $5,000, if such expenditures are made within the timeframes specified in s. 106.011(8)(a)2. If the group makes expenditures for an electioneering communication in excess of $5,000 before the timeframes specified in s. 106.011(8)(a)2., it shall file the statement of organization within 24 hours after the 30th day before a primary or special primary election, or within 24 hours after the 60th day before any other election, whichever is applicable.

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

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

c. In a municipal election, an electioneering communications organization shall file a statement of organization with the officer before whom municipal candidates qualify.

d. Any electioneering communications organization that would be required to file a statement of organization in two or more locations need only file a statement of organization with the Division of Elections.

(2) The statement of organization shall include:

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

(b) The names, street addresses, and relationships of affiliated or connected organizations, including any affiliated sponsors;

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

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

(e) The name, mailing address, street address, and position of other principal officers, including the treasurer and deputy treasurer, if any;

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

1. Each candidate whom the committee is supporting;

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

(g) Any issue or issues the committee is supporting or opposing;

(h) If the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party;

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

(j) Plans for the disposition of residual funds which will be made in the event of dissolution;

(k) A listing of all banks, safe-deposit boxes, or other depositories used for committee or electioneering communications organization funds;

(l) A statement of the reports required to be filed by the committee or the electioneering communications organization with federal officials, if any, and the names, addresses, and positions of such officials; and

(m) A statement of whether the electioneering communications organization was formed as a newly created organization during the current calendar quarter or was formed from an organization existing prior to the current calendar quarter. For purposes of this subsection, calendar quarters end the last day of March, June, September, and December.

(3)(a) A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues to be voted upon on a statewide or multicounty basis shall file a statement of organization with the Division of Elections.

(b) Except as provided in paragraph (c), a political committee which is organized to support or oppose candidates or issues to be voted on in a countywide election or candidates or issues in any election held on less than a countywide basis shall file a statement of organization with the supervisor of elections of the county in which such election is being held.

(c) A political committee which is organized to support or oppose only candidates for municipal office or issues to be voted on in a municipal election shall file a statement of organization with the officer before whom municipal candidates qualify.

(d) Any political committee which would be required under this subsection to file a statement of organization in two or more locations need file only with the Division of Elections.

(4) Any change in information previously submitted in a statement of organization shall be reported to the agency or officer with whom such committee or electioneering communications organization is required to register within 10 days following the change.

(5) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $500 shall so notify the agency or officer with whom such committee is required to file the statement of organization.

(6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2), it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify the committee of such finding and shall state in writing the reasons for rejection of the statement of organization.

(7) The Division of Elections shall adopt rules to prescribe the manner in which committees and electioneering communications organizations may be dissolved and have their registration canceled. Such rules shall, at a minimum, provide for:

(a) Payment of fines prior to registration cancellation or dissolution.

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

(c) Adequate opportunity to respond.

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

History.—s. 3, ch. 73-128; s. 3, ch. 74-200; s. 1, ch. 77-174; s. 41, ch. 77-175; s. 18, ch. 79-365; s. 25, ch. 81-304; s. 1, ch. 82-143; s. 36, ch. 84-302; s. 5, ch. 89-256; s. 27, ch. 90-315; s. 3, ch. 2006-300; s. 21, ch. 2010-167; ss. 8, 30, ch. 2011-6; s. 57, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 7, ch. 2013-37; s. 44, ch. 2023-120.

106.05 Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account that contains the name of the candidate or committee. Except for contributions to political committees made by payroll deduction, all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

History.—s. 5, ch. 73-128; s. 1, ch. 76-88; s. 1, ch. 77-174; s. 43, ch. 77-175; s. 7, ch. 89-256; s. 29, ch. 90-315; s. 8, ch. 2013-37.

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

History.—s. 44, ch. 77-175; s. 43, ch. 2007-30.

106.06 Treasurer to keep records; inspections.

(1) The campaign treasurer of each candidate and the campaign treasurer of each political committee shall keep detailed accounts, current within not more than 2 days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this chapter. The campaign treasurer shall also keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and of all withdrawals made therefrom to the primary depository and of all interest earned thereon.

(2) Accounts, including separate interest-bearing accounts and certificates of deposit, kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Elections Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurer of a political committee supporting a candidate may be joined with the campaign treasurer of the candidate as respondent in such a proceeding.

(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election. Accounts kept by a campaign treasurer of a political committee shall be preserved by such treasurer for at least 2 years after the date of the election to which the accounts refer.

History.—s. 6, ch. 73-128; s. 45, ch. 77-175; s. 3, ch. 79-378; s. 8, ch. 89-256; s. 30, ch. 90-315.

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report must be filed on the next following day that is not a Saturday, Sunday, or legal holiday. Quarterly reports must include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) A statewide candidate or a political committee required to file reports with the division must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.

2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

(b) Any other candidate or a political committee required to file reports with a filing officer other than the division must file reports on the 60th day immediately preceding the primary election, and biweekly on each

Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

(c) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(d)1. When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of such special election or the preceding special primary election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days before such election.

(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

(f) A county, a municipality, or any other local governmental entity is expressly preempted from enacting or adopting a reporting schedule that differs from the requirements established in this subsection.

(2)(a)1. All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated is deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service is deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, suffices as proof of mailing in a timely manner. Reports other than daily reports must contain information on all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election must contain information on all previously unreported contributions received and expenditures made as of the day preceding that designated due date; daily reports must contain information on all previously unreported contributions received as of the preceding day. All such reports are open to public inspection.

2. This subsection does not prohibit the governing body of a political subdivision, by ordinance or resolution, from imposing upon its own officers and candidates electronic filing requirements not in conflict with s. 106.0705. Expenditure of public funds for such purpose is deemed to be for a valid public purpose.

(b)1. Any report that is deemed to be incomplete by the officer with whom the candidate qualifies must be accepted on a conditional basis. The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address of the campaign treasurer or registered agent of record with the filing officer.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4)(a) Except for daily reports, to which only the contributions provisions below apply, and except as provided in paragraph (b), each report required by this section must contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is $100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

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

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

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

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

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

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

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

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

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

11. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

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

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) Multiple uniform contributions from the same person, aggregating no more than $250 per calendar year, collected by an organization that is the affiliated sponsor of a political committee, may be reported by the political committee in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer as provided in subparagraph (a)1. by July 1 of each calendar year, or, in a general election year, no later than the 60th day immediately preceding the primary election.

(c) The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The records maintained by the campaign depository with respect to any campaign account regulated by this chapter are subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

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

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

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

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine is $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine is $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures,

whichever is greater, for the period covered by the late report. For reports required under s. 106.141(8), the fine is $50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

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

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(3) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

History.—s. 7, ch. 73-128; ss. 5, 15, 17, ch. 74-200; ss. 1, 2, ch. 75-8; s. 2, ch. 75-139; s. 1, ch. 77-174; s. 46, ch. 77-175; s. 23, ch. 79-164; ss. 7, 8, ch. 79-365; s. 4, ch. 79-378; s. 58, ch. 79-400; s. 52, ch. 81-259; s. 27, ch. 81-304; s. 2, ch. 82-143; s. 11, ch. 83-251; s. 37, ch. 84-302; s. 6, ch. 85-226; s. 1, ch. 86-134; s. 13, ch. 87-224; s. 9, ch. 89-256; s. 31, ch. 90-315; s. 2, ch. 90-338; s. 18, ch. 90-502; s. 7, ch. 91-107; s. 2, ch. 95-140; s. 640, ch. 95-147; s. 15, ch. 95-280; s. 7, ch. 97-13; s. 6, ch. 2001-75; s. 29, ch. 2002-17; s. 2, ch. 2002-197; s. 8, ch. 2003-1; ss. 17, 18, ch. 2004-252; s. 24, ch. 2005-286; ss. 5, 10, ch. 2006-300; s. 29, ch. 2008-95; s. 59, ch. 2011-40; s. 6, ch. 2012-5; s. 9, ch. 2013-37; s. 2, ch. 2020-4; s. 45, ch. 2023-120.

106.0701 Solicitation of contributions on behalf of s. 527 or s. 501(c)(4) organizations; reporting requirements; civil penalty; exemption.—

(1) The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, which such individuals, in whole or in part, establish, maintain, or control, shall file a statement with the division within 5 days after commencing such activity on behalf of the organization. The statement shall contain the following information:

(a) The name of the person acting on behalf of the organization.

(b) The name and type of the organization.

(c) A description of the relationship between the person and the organization.

(2) Failure to timely file the statement shall subject the person to a civil penalty of $50 per day for each late day, payable from the personal funds of the violator.

(3) Upon filing a statement with the division, an individual subject to the requirements of subsection (1) shall promptly create a public website that contains a mission statement and the names of persons associated with the organization. The address of the website shall be reported to the division within 5 business days after the website is created.

(4) All contributions received shall be disclosed on the website within 5 business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within 5 business days after being made.

(5) The filing requirements of subsection (1) do not apply to an individual acting on behalf of his or her own campaign, a political party, or an affiliated party committee of which the individual is a member.

History.—s. 6, ch. 2006-300; ss. 10, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

106.0702 Reporting; political party executive committee candidates.—

(1) An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made. The report shall be filed on the 4th day immediately preceding the primary election.

(2)(a) The report shall be filed with the supervisor of elections of the appropriate county. Reports shall be filed no later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service by the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due is proof of

mailing in a timely manner. The report filed must contain information of all contributions received and expenditures made as of the day preceding the designated due date. All such reports must be open to public inspection.

(b) A reporting individual may submit the report required under this section through an electronic filing system, if used by the supervisor for other candidates, in order to satisfy the filing requirement. Such reports shall be completed and filed through the electronic filing system not later than midnight on the 4th day immediately preceding the primary election.

(3)(a) A report that is deemed to be incomplete by the supervisor shall be accepted on a conditional basis. The supervisor shall send a notice to the reporting individual by certified mail or by another method using a common carrier that provides proof of delivery as to why the report is incomplete. Within 7 days after receipt of such notice, the reporting individual must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

(b) Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address that is on record with the supervisor.

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

1. The full name, address, and occupation of each person who has made one or more contributions to or for the reporting individual within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporations. However, if the contribution is $100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

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

3. Each loan for campaign purposes from any person or political committee within the reporting period, together with the full name, address, and occupation, and principal place of business, if any, of the lender and endorser, if any, and the date and amount of such loans.

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

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

6. The full name and address of each person to whom expenditures have been made by or on behalf of the reporting individual within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each reporting individual on whose behalf such expenditure was made.

7. The amount and nature of debts and obligations owed by or to the reporting individual which relate to the conduct of any political campaign.

8. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the reporting individual.

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

(b) The supervisor shall make available to any reporting individual a reporting form that the reporting individual may use to indicate contributions received by the reporting individual but returned to the contributor before deposit.

(5) The reporting individual shall certify as to the correctness of the report and shall bear the responsibility for the accuracy and veracity of each report. Any reporting individual who willfully certifies the correctness of the report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Notwithstanding any other provisions of this chapter, the filing of the required report is waived if the reporting individual has not received contributions or expended any reportable funds.

(7)(a) A reporting individual who fails to file a report on the designated due date is subject to a fine, and such fine shall be paid only from personal funds of the reporting individual. The fine shall be $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater. The fine shall be assessed by the supervisor, and the moneys collected shall be deposited into the general revenue fund of the political subdivision.

(b) The supervisor shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by the supervisor;

2. When the report is postmarked;

3. When the certificate of mailing is dated;

4. When the receipt from an established courier company is dated; or

5. When the report is completed and filed through the electronic filing system, if applicable.

Such fine shall be paid to the supervisor within 20 days after receipt of the notice of payment due unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the supervisor. Such fine may not be an allowable campaign expenditure and shall be paid only from personal funds of the reporting individual.

(c) A reporting individual may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the Florida Elections Commission, which has the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and

aggravating circumstances contained in s. 106.265(3) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the reporting individual must, within 20 days after receipt of the notice, notify the supervisor in writing of his or her intention to bring the matter before the commission.

(d) The appropriate supervisor shall notify the Florida Elections Commission of the late filing by a reporting individual, the failure of a reporting individual to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the supervisor and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

History.—s. 10, ch. 2013-37; s. 46, ch. 2023-120.

106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.—

(1)(a) Each electioneering communications organization shall file regular reports of all contributions received and all expenditures made by or on behalf of the organization. Except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of each calendar quarter from the time the organization is registered. However, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report must be filed on the next following day that is not a Saturday, Sunday, or legal holiday. Quarterly reports must include all contributions received and expenditures made during the calendar quarter that have not otherwise been reported pursuant to this section.

(b) For an electioneering communications organization required to file reports with the division, reports must be filed:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.

2. On the 10th day immediately preceding the general election, and every day thereafter excluding the 4th day immediately preceding the general election, with the last daily report being filed the day before the general election.

(c) For an electioneering communications organization required to file reports with a filing officer other than the division, reports must be filed on the 60th day immediately preceding the primary election, and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

(d) When a special election is called to fill a vacancy in office, all electioneering communications organizations making contributions or expenditures to influence the results of the special election shall file reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

(e) In addition to the reports required by paragraph (a), an electioneering communications organization that is registered with the Department of State and that makes a contribution or expenditure to influence the results of a county or municipal election that is not being held at the same time as a state or federal election must file reports with the county or municipal filing officer on the same dates as county or municipal candidates or committees for that election. The electioneering communications organization must also include the expenditure in the next report filed with the Division of Elections pursuant to this section following the county or municipal election.

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

(2)(a) Except as provided in s. 106.0705, the reports required of an electioneering communications organization shall be filed with the filing officer not later than 5 p.m. of the day designated. However, any report postmarked by the United States Postal Service no later than midnight of the day designated is deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service is deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, suffices as proof of mailing in a timely manner. Reports other than daily reports must contain information on all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election must contain information on all previously unreported contributions received and expenditures made as of the day preceding the designated due date; daily reports must contain information on all previously unreported contributions received as of the preceding day. All such reports are open to public inspection.

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

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

(3)(a) Except for daily reports, to which only the contribution provisions below apply, each report required by this section must contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such electioneering communications organization within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is $100 or less, the occupation of the contributor or the principal type of business need not be listed.

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

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

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

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

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

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for expenses has been made and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

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

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

10. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the electioneering communications organization.

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

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

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

(4) The treasurer of the electioneering communications organization shall certify as to the correctness of each report, and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the electioneering communications organization as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be $500 per day for each late

day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the electioneering communications organization. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

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

(c) The treasurer of an electioneering communications organization may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(3) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the electioneering communications organization shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

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

(8) Electioneering communications organizations shall not use credit cards.

History.—s. 7, ch. 2006-300; s. 23, ch. 2010-167; ss. 11, 30, ch. 2011-6; s. 60, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 7, ch. 2012-5; s. 11, ch. 2013-37; s. 10, ch. 2014-17; s. 47, ch. 2023-120.

106.0705 Electronic filing of campaign treasurer's reports.—

(1) As used in this section, "electronic filing system" means an Internet system for recording and reporting campaign finance activity by reporting period.

(2)(a) Each individual who is required to file reports with the division pursuant to s. 106.07 or s. 106.141 must file such reports by means of the division's electronic filing system.

(b) Each political committee, electioneering communications organization, affiliated party committee, or state executive committee that is required to file reports with the division under s. 106.07, s. 106.0703, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(c) Each person or organization that is required to file reports with the division under s. 106.071 must file such reports by means of the division's electronic filing system.

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

(4) Each report filed pursuant to this section is considered to be under oath by the candidate and treasurer, the chair and treasurer, the treasurer under s. 106.0703, or the leader and treasurer under s. 103.092, whichever is applicable, and such persons are subject to the provisions of s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The division shall adopt rules to administer this section and provide for the reports required to be filed pursuant to this section. Such rules shall, at a minimum, provide:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) For the issuance of an electronic receipt to the person submitting the report indicating and verifying that the report has been filed.

History.—s. 19, ch. 2004-252; s. 45, ch. 2005-278; s. 8, ch. 2006-300; s. 24, ch. 2010-167; ss. 12, 30, ch. 2011-6; s. 61, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 12, ch. 2013-37.

106.0706 Electronic filing of campaign finance reports; public records exemption.—

(1) All user identifications and passwords held by the Department of State pursuant to s. 106.0705 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)(a) Information entered in the electronic filing system for purposes of generating a report pursuant

to s. 106.0705 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Information entered in the electronic filing system is no longer exempt once the report is generated and filed with the Division of Elections.

History.—s. 1, ch. 2004-253; s. 16, ch. 2008-4; s. 1, ch. 2009-149.

106.071 Independent expenditures; electioneering communications; reports; disclaimers.—

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

(2) Any political advertisement, other than a text message or a telephone call, paid for by an independent expenditure must prominently state "Paid political advertisement paid for by (Name and address of person paying for advertisement) independently of any (candidate or committee)."

(3) Subsection (2) does not apply to novelty items having a retail value of $10 or less which support, but do not oppose, a candidate or issue.

(4) Any person who fails to include the disclaimer prescribed in subsection (2) in any political advertisement that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 47, ch. 77-175; s. 10, ch. 89-256; s. 4, ch. 2004-252; s. 25, ch. 2010-167; ss. 13, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 2, ch. 2021-49.

106.072 Social media deplatforming of political candidates.—

(1) As used in this section, the term:

(a) "Candidate" has the same meaning as in s. 106.011(3)(e).

(b) "Deplatform" has the same meaning as in s. 501.2041.

(c) "Social media platform" has the same meaning as in s. 501.2041.

(d) "User" has the same meaning as in s. 501.2041.

(2) A social media platform may not willfully deplatform a candidate for office who is known by the social media platform to be a candidate, beginning on the date of qualification and ending on the date of the election or the date the candidate ceases to be a candidate. A social media platform must provide each user a method by which the user may be identified as a qualified candidate and which provides sufficient information to allow the social media platform to confirm the user's qualification by reviewing the website of the Division of Elections or the website of the local supervisor of elections.

(3) Upon a finding of a violation of subsection (2) by the Florida Elections Commission, in addition to the remedies provided in ss. 106.265 and 106.27, the social media platform may be fined $250,000 per day for a candidate for statewide office and $25,000 per day for a candidate for other offices.

(4) A social media platform that willfully provides free advertising for a candidate must inform the candidate of such in-kind contribution. Posts, content, material, and comments by candidates which are shown on the platform in the same or similar way as other users' posts, content, material, and comments are not considered free advertising.

(5) This section may only be enforced to the extent not inconsistent with federal law and 47 U.S.C. s. 230(e)(3), and notwithstanding any other provision of state law.

History.—s. 2, ch. 2021-32; s. 2, ch. 2022-267.

106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.—

(1) A person who is elected to office must report all loans, exceeding $500 in value, made to him or her and used for campaign purposes, and made in the 12 months preceding his or her election to office, to the filing officer. The report must be made, in the manner prescribed by the Department of State, within 10 days after being elected to office.

(2) Any person who makes a contribution to an individual to pay all or part of a loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).

History.—s. 11, ch. 89-256; s. 32, ch. 90-315; s. 12, ch. 91-107; s. 641, ch. 95-147; s. 34, ch. 2013-37.

106.08 Contributions; limitations on.—

(1)(a) Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

1. To a candidate for statewide office or for retention as a justice of the Supreme Court, $3,000. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this subparagraph.

2. To a political committee that is the sponsor of or is in opposition to a constitutional amendment proposed by initiative, $3,000. This limitation applies only to persons who are not residents of the state and to political committees that have not registered an office under this chapter using a street address located within the state. However, the limitation on contributions to such political committees no longer applies once the Secretary of State has issued a certificate of ballot position and a designating number for the proposed amendment that the political committee is sponsoring or opposing.

3. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge, $1,000.

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

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the primary election and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011. However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election.

(2)(a) A candidate may not accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed $50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed $50,000.

(b) A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed $250,000. Polling services, research services, costs for campaign staff, professional consulting services, telephone calls, and text messages are not contributions to be counted toward the contribution limits of paragraph (a) or this paragraph. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the contribution limits of paragraph (a) or this paragraph. Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party or affiliated party committee under s. 106.29.

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

(b) Any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days before the day of that election may not be obligated or expended by the committee until after the date of the election.

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

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

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

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

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

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, affiliated party committee, or charitable groups.

(6)(a) A political party or affiliated party committee may not accept any contribution that has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate. Funds contributed to an affiliated party committee may not be designated for the partial or exclusive use of a leader as defined in s. 103.092.

(b)1. A political party or affiliated party committee may not accept any in-kind contribution that fails to provide a direct benefit to the political party or affiliated party committee. A “direct benefit” includes, but is not limited to, fundraising or furthering the objectives of the political party or affiliated party committee.

2.a. An in-kind contribution to a state political party may be accepted only by the chairperson of the state political party or by the chairperson’s designee or designees whose names are on file with the division in a form acceptable to the division before the date of the written notice required in sub-subparagraph b. An in-kind contribution to a county political party may be accepted only by the chairperson of the county political party or by the county chairperson’s designee or designees whose names are on file with the supervisor of elections of the respective county before the date of the written notice required in sub-subparagraph b. An in-kind contribution to an affiliated party committee may be accepted only by the leader of the affiliated party committee as defined in s. 103.092 or by the leader’s

designee or designees whose names are on file with the division in a form acceptable to the division before the date of the written notice required in sub-subparagraph b.

b. A person making an in-kind contribution to a state or county political party or affiliated party committee must provide prior written notice of the contribution to a person described in sub-subparagraph a. The prior written notice must be signed and dated and may be provided by an electronic or facsimile message. However, prior written notice is not required for an in-kind contribution that consists of food and beverage in an aggregate amount not exceeding $1,500 which is consumed at a single sitting or event if such in-kind contribution is accepted in advance by a person specified in sub-subparagraph a.

c. A person described in sub-subparagraph a. may accept an in-kind contribution requiring prior written notice only in a writing that is dated before the in-kind contribution is made. Failure to obtain the required written acceptance of an in-kind contribution to a state or county political party or affiliated party committee constitutes a refusal of the contribution.

d. A copy of each prior written acceptance required under sub-subparagraph c. must be filed at the time the regular reports of contributions and expenditures required under s. 106.29 are filed by the state executive committee, county executive committee, and affiliated party committee. A state executive committee and an affiliated party committee must file with the division. A county executive committee must file with the county's supervisor of elections.

e. An in-kind contribution may not be given to a state or county political party or affiliated party committee unless the in-kind contribution is made as provided in this subparagraph.

(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political committee, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, affiliated party committee, political committee, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

(10) Contributions to a political committee may be received by an affiliated organization and transferred to the bank account of the political committee via check written from the affiliated organization if such contributions are specifically identified as intended to be contributed to the political committee. All contributions received in this manner shall be reported pursuant to s. 106.07 by the political committee as having been made by the original contributor.

(11)(a) A county, a municipality, or any other local governmental entity is expressly preempted from enacting or adopting:

1. Contribution limits that differ from the limitations established in subsection (1);

2. Any limitation or restriction involving contributions to a political committee or an electioneering communications organization; or

3. Any limitation or restriction on expenditures for an electioneering communication or an independent expenditure.

(b) Any existing or future limitation or restriction enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this subsection is void.

(12)(a)1. For purposes of this subsection, the term "foreign national" means:

a. A foreign government;
b. A foreign political party;
c. A foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country;
d. A person with foreign citizenship; or
e. A person who is not a citizen or national of the United States and is not lawfully admitted to the United States for permanent residence.
2. The term does not include:
a. A person who is a dual citizen or dual national of the United States and a foreign country.
b. A domestic subsidiary of a foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country if:
(I) The donations and disbursements used toward a contribution or an expenditure are derived entirely from funds generated by the subsidiary's operations in the United States; and
(II) All decisions concerning donations and disbursements used toward a contribution or an expenditure are made by individuals who either hold United States citizenship or are permanent residents of the United States. For purposes of this sub-sub-subparagraph, decisions concerning donations and disbursements do not include decisions regarding the subsidiary's overall budget for contributions or expenditures in connection with an election.
(b) A foreign national may not make or offer to make, directly or indirectly, a contribution or expenditure in connection with any election held in the state.

History.—s. 8, ch. 73-128; s. 6, ch. 74-200; s. 1, ch. 77-174; s. 48, ch. 77-175; s. 1, ch. 78-403; s. 9, ch. 79-365; s. 5, ch. 79-378; s. 7, ch. 85-226; s. 4, ch. 86-134; s. 12, ch. 89-256; ss. 33, 46, ch. 90-315; s. 9, ch. 90-338; s. 11, ch. 91-107; s. 642, ch. 95-147; s. 3, ch. 97-13; s. 8, ch. 99-355; s. 27, ch. 2002-17; s. 3, ch. 2002-197; s. 1, ch. 2002-281; s. 68, ch. 2005-277; s. 46, ch. 2005-278; s. 25, ch. 2005-286; s. 1, ch. 2005-360; s. 9, ch. 2006-300; s. 44, ch. 2007-30; s. 26, ch. 2010-167; ss. 14, 30, ch. 2011-6; s. 62, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 8, ch. 2012-5; s. 13, ch. 2013-37; s. 1, ch. 2021-16; s. 1, ch. 2022-56; s. 27, ch. 2023-8; s. 48, ch. 2023-120.

106.087 Independent expenditures; contribution limits; restrictions on political parties and political committees.—

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

State of Florida
County of____

Before me, an officer authorized to administer oaths, personally appeared (name), to me well known, who, being sworn, says that he or she is the (title) of the (name of party) (state or specified county) executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

(Signature of committee officer)
(Address)

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

(Signature and title of officer administering oath)

(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.
(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.
(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.
(2)(a) Any political committee that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for the sole purpose of jointly endorsing three or more candidates.
(b) Any political committee that violates this subsection is liable for a civil fine of up to $5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.

History.—s. 5, ch. 97-13; s. 14, ch. 99-6; s. 19, ch. 2013-37.

106.088 Independent expenditures; contribution limits; restrictions on affiliated party committees.—

(1) As a condition of receiving a rebate of party assessments under s. 103.121(1)(b), the leader or treasurer of an affiliated party committee as defined in s. 103.092 shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida
County of ____

Before me, an officer authorized to administer oaths, personally appeared (name), to me well known, who, being sworn, says that he or she is the (title) of the (name of party) (name of chamber) affiliated party committee; that the affiliated party committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the affiliated

party committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the affiliated party committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

(Signature of committee officer)

(Address)

Sworn to and subscribed before me this____ day of ____, (year), at ____ County, Florida.

(Signature and title of officer administering oath)

(2)(a) Any affiliated party committee found to have violated the provisions of the oath or affirmation prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(b) Any affiliated party committee found to have violated the provisions of the oath or affirmation after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.

(3) Any funds not distributed to the affiliated party committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

History.—ss. 15, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

106.09 Cash contributions and contribution by cashier's checks.—

(1)(a) A person may not make an aggregate cash contribution or contribution by means of a cashier's check to the same candidate or committee in excess of $50 per election.

(b) A person may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of $50 per election.

(2)(a) Any person who makes or accepts a contribution in violation of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts a contribution in excess of $5,000 in violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 9, ch. 73-128; s. 48, ch. 77-175; s. 2, ch. 2002-281; s. 45, ch. 2007-30; s. 63, ch. 2011-40.

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(1)(a) The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee.

(b) The checks for such account shall contain, as a minimum, the following information:

1. The name of the campaign account of the candidate or political committee.
2. The account number and the name of the bank.
3. The exact amount of the expenditure.
4. The signature of the campaign treasurer or deputy treasurer.
5. The exact purpose for which the expenditure is authorized.
6. The name of the payee.

(2)(a) For purposes of this section, debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.
2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and contain the name of the campaign account of the candidate or political committee.
3. No more than three debit cards are requested and issued.
4. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
5. All receipts for debit card transactions contain:
a. The last four digits of the debit card number.
b. The exact amount of the expenditure.
c. The name of the payee.
d. The signature of the campaign treasurer, deputy treasurer, or authorized user.
e. The exact purpose for which the expenditure is authorized.

Any information required by this subparagraph but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(b) Debit cards are not subject to the requirements of paragraph (1)(b).

(3) The campaign treasurer, deputy treasurer, or authorized user who signs the check shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.

(4) No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to

pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter. As used in this subsection, the term "sufficient funds on deposit in the primary depository account of the candidate or political committee" means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained. The term shall not be construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

(5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141.

(6) A candidate who makes a loan to his or her campaign and reports the loan as required by s. 106.07 may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

History.—s. 11, ch. 73-128; s. 8, ch. 74-200; s. 48, ch. 77-175; s. 2, ch. 78-403; s. 10, ch. 79-365; s. 8, ch. 85-226; s. 13, ch. 89-256; s. 14, ch. 91-107; s. 643, ch. 95-147; s. 25, ch. 2002-17; s. 4, ch. 2002-197; s. 64, ch. 2011-40; s. 14, ch. 2013-37.

106.113 Expenditures by local governments.—

(1) As used in this section, the term:

(a) "Local government" means:

1. A county, municipality, school district, or other political subdivision in this state; and

2. Any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.

(b) "Public funds" means all moneys under the jurisdiction or control of the local government.

(2) A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. This subsection applies to a communication initiated by a local government or a person acting on behalf of a local government, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment. This subsection does not preclude a local government or a person acting on behalf of a local government from reporting on official actions of the local government's governing body in an accurate, fair, and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law.

(3) With the exception of the prohibitions specified in subsection (2), this section does not preclude an elected official of the local government from expressing an opinion on any issue at any time.

History.—s. 1, ch. 2009-125; s. 2, ch. 2022-56.

106.12 Petty cash funds allowed.—

(1) Each campaign treasurer designated pursuant to s. 106.021(1) for a candidate or political committee is authorized to withdraw from the primary campaign account, until the close of the last day for qualifying for office, the amount of $500 per calendar quarter reporting period for the purpose of providing a petty cash fund for the candidate or political committee.

(2) Following the close of the last day for qualifying and until the last election in a given election period in which the political committee participates, the campaign treasurer of each political committee is authorized to withdraw the following amount each week from the primary depository campaign account for the purpose of providing a petty cash fund for the political committee, and, following the close of the last day for qualifying and until the election at which such candidate is eliminated or elected to office, or the time at which the candidate becomes unopposed, the campaign treasurer of each candidate is authorized to withdraw the following amount each week from the primary depository campaign account for the purpose of providing a petty cash fund for the candidate:

(a) For all candidates for nomination or election on a statewide basis, $500 per week.

(b) For all other candidates and all political committees, $100 per week.

(3) The petty cash fund so provided may be spent only in amounts less than $100 and only for office supplies, transportation expenses, and other necessities. Petty cash may not be used for the purchase of time, space, or services from communications media as defined in s. 106.011.

History.—s. 12, ch. 73-128; s. 48, ch. 77-175; s. 9, ch. 85-226; s. 5, ch. 2002-197; s. 20, ch. 2013-37.

106.125 Credit cards; conditions on use.—Any candidate for statewide office or any political committee created to support or oppose any candidate for statewide office or to support or oppose any statewide issue may obtain, and use in making travel-related campaign expenditures, credit cards. The obtention and use of

credit cards by any such candidate or political committee shall be subject to the following conditions:

(1) Credit cards may be obtained only from the same bank which has been designated as the candidate's or political committee's primary campaign depository.

(2) Credit cards shall be in the name of the candidate or political committee and shall reflect that the account is a campaign account.

(3) Before a credit card may be used, a copy of the agreement or contract between the candidate and the bank, or the political committee and the bank, and a list of all persons who have been authorized to use the card shall be filed with the Secretary of State.

(4) All credit cards issued to candidates or political committees shall expire no later than midnight of the last day of the month of the general election.

(5) Each statement rendered by the issuer of a credit card shall be paid upon receipt.

(6) Campaign travel-related expenditures shall include transportation, lodging, meals, and other expenses incurred in connection with traveling for campaign purposes.

This section shall not be deemed to preclude the use of advance payments by a check drawn on the primary depository account for travel-related expenses. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee.

History.—s. 11, ch. 79-365; s. 2, ch. 86-134.

106.14 Utilities; deposits; prior authorization.

(1) Utility companies providing utilities services to a candidate or political committee shall charge a deposit sufficient to meet all anticipated charges during a billing period.

(2) Authorization and payment for utilities used during the billing period must be made by the candidate or political committee when the bill is received from a utility company.

History.—s. 14, ch. 73-128; s. 48, ch. 77-175; s. 5, ch. 78-403; s. 59, ch. 79-400; s. 2, ch. 85-63; s. 14, ch. 89-256.

106.1405 Use of campaign funds.—A candidate or the spouse of a candidate may not use funds on deposit in a campaign account of such candidate to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign.

History.—s. 49, ch. 77-175; s. 53, ch. 81-259; s. 644, ch. 95-147; s. 10, ch. 97-13.

106.141 Disposition of surplus funds by candidates.—

(1) Except as provided in subsection (6), each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate may not accept any contributions, nor may any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

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

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

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

1. Return pro rata to each contributor the funds that have not been spent or obligated.

2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code, except that the candidate may not be employed by the charitable organization to which he or she donates the funds.

3. Give not more than $25,000 of the funds that have not been spent or obligated to the affiliated party committee or political party of which such candidate is a member.

4. Give the funds that have not been spent or obligated:

a. To the state, to be deposited in either the [1]Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. To a political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions pursuant to the Florida Election Campaign Financing Act shall, after all monetary commitments pursuant to s. 106.11(5)(b) and (c) have been met, return all surplus campaign funds to the General Revenue Fund.

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being

unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Fifty thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Ten thousand dollars, for a candidate for multicounty office.

(c) Ten thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

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

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) Three thousand dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member; personal taxes payable on office account funds by the candidate or elected public official; professional services provided by a certified public accountant or attorney for preparation of the elected public official's financial disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official's public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in s. 106.011; fees or dues to religious, civic, or charitable organizations of which the elected public official is a member; items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public official's personal attendance at a constituent's special event or family occasion, such as the birth of a child, graduation, wedding, or funeral; personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or expenses incurred in the operation of the elected public official's office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall use such funds to pay for professional services provided by a certified public accountant or attorney for preparation of the elected public official's final financial disclosure filing pursuant to s. 112.3144 or s. 112.3145, or give such funds to a charitable organization that meets the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6)(a) For purposes of this subsection, the term "same office" with respect to legislative office means an office in the same legislative body, irrespective of district number or designation or geographic boundary.

(b) A candidate elected to state office or a candidate who will be elected to state office by virtue of his or her being unopposed after candidate qualifying ends, may retain up to $20,000 in his or her campaign account, or in an interest-bearing account or certificate of deposit, for use in his or her next campaign for the same office, in addition to the disposition methods provided in subsections (4) and (5). All requirements applicable to candidate campaign accounts under this chapter, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

(c) If a candidate who has retained funds under this subsection does not qualify as a candidate for reelection to the same office, all retained funds shall be disposed of as otherwise required by this section or s. 106.11(5) within 90 days after the last day of candidate qualifying for that office. Requirements in this section applicable to the disposal of surplus funds, including reporting requirements, are applicable to the disposal of retained funds.

(7) Before disposing of funds pursuant to subsection (4), transferring funds into an office account pursuant to subsection (5), or retaining funds for reelection pursuant to subsection (6), any candidate who filed an oath stating that he or she was unable to pay the fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her shall reimburse the state or local governmental entity, whichever is applicable, for such waived fee. If there are insufficient funds in the account to pay the full amount of the fee, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund.

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

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

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

3. The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank, savings and loan association, or credit union in which the office account is located; and

4. The amount of such funds retained pursuant to subsection (6), together with the name and address of the bank, savings and loan association, or credit union in which the retained funds are located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(b) The filing officer shall notify each candidate at least 14 days before the date the report is due.

(c) Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late termination reports.

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

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

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

History.—s. 50, ch. 77-175; s. 6, ch. 79-378; s. 60, ch. 79-400; s. 2, ch. 80-292; s. 54, ch. 81-259; s. 28, ch. 81-304; s. 1, ch. 82-404; s. 38, ch. 84-302; s. 10, ch. 85-226; s. 2, ch. 86-7; s. 2, ch. 86-276; s. 11, ch. 87-363; s. 15, ch. 89-256; s. 34, ch. 90-315; s. 15, ch. 91-107; s. 645, ch. 95-147; ss. 15, 16, 53, ch. 97-13; s. 6, ch. 2002-197; s. 20, ch. 2004-252; s. 70, ch. 2005-277; ss. 16, 30, ch. 2011-6; s. 65, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 15, ch. 2013-37; s. 2, ch. 2021-16.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.143 Political advertisements circulated prior to election; requirements.—

(1)(a) Any political advertisement that is paid for by a candidate, except a write-in candidate, and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

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

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

(b) Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. "Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)"; or

2. "Paid by (name of candidate), write-in candidate, for (office sought)."

(c) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

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

2. State the name and address of the persons paying for the advertisement.

3. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(d) Any political advertisement made pursuant to s. 106.021(3)(d) must prominently state the name and address of the political committee or political party paying for the advertisement.

(2) Political advertisements made as in-kind contributions from a political party must prominently state: "Paid political advertisement paid for in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement)."

(3) Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation. A political advertisement of a candidate running for nonpartisan office may not state the candidate's political party affiliation. This section does not prohibit a political advertisement from stating the candidate's partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.

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

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

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

(5)(a) Any political advertisement not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent

expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate, unless the political advertisement is published, displayed, or circulated in compliance with subparagraph (1)(a)2., and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

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

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

(7) Political advertisements paid for by a political party or an affiliated party committee may use names and abbreviations as registered under s. 103.081 in the disclaimer.

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

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

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

(a) Designed to be worn by a person.

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

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

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

(e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.

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

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

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

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

History.—s. 8, ch. 26870, 1951; s. 1, ch. 61-145; s. 21, ch. 65-379; s. 57, ch. 71-136; s. 30, ch. 73-128; s. 52, ch. 77-175; s. 30, ch. 81-304; s. 16, ch. 89-256; s. 35, ch. 90-315; s. 16, ch. 91-107; s. 646, ch. 95-147; s. 17, ch. 97-13; s. 18, ch. 99-318; s. 5, ch. 2004-252; s. 46, ch. 2007-30; s. 18, ch. 2010-167; ss. 17, 30, ch. 2011-6; s. 66, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 9, ch. 2012-5; s. 3, ch. 2021-49.

Note.—Former s. 104.37.

106.1435 Usage and removal of political campaign advertisements.—

(1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

(a) Withdrawal of his or her candidacy;

(b) Having been eliminated as a candidate; or

(c) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

(3) Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.

(4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.

(5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

History.—s. 1, ch. 84-221; s. 20, ch. 84-302; s. 14, ch. 87-224; s. 647, ch. 95-147.

106.1436 Voter guide; disclaimers; violations.

(1) As used in this section, the term "voter guide" means direct mail that is either an electioneering communication or a political advertisement sent for the purpose of advocating for or endorsing particular issues or candidates by recommending specific electoral choices to the voter or by indicating issue or candidate selections on an unofficial ballot. The term does not apply to direct mail or publications made by governmental entities or government officials in their official capacity.

(2) A person may not, directly or indirectly, represent that a voter guide is an official publication of a political party unless such person is given written permission pursuant to s. 103.081.

(3) A voter guide circulated before, or on the day of, an election must, in bold font with a font size of at least 12 points, prominently:

(a) Display the following disclaimer at the top of the first page of the voter guide:

1. If the voter guide is an electioneering communication, the disclaimer required under s. 106.1439; or

2. If the voter guide is a political advertisement, the disclaimer required under s. 106.143.

(b) Be marked "Voter Guide" with such text appearing immediately below the disclaimer required in paragraph (a).

(4)(a) In addition to any other penalties provided by law, a person who fails to comply with this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not less than $25 for each individual voter guide distributed.

(b) Any fine imposed pursuant to paragraph (a) may not exceed $2,500 in the aggregate in any calendar month.

History.—s. 49, ch. 2023-120.

106.1437 Miscellaneous advertisements.—Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section does not apply to an editorial endorsement. For purposes of this chapter, an expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

History.—s. 36, ch. 90-315; s. 6, ch. 2004-252; s. 27, ch. 2010-167; ss. 18, 30, ch. 2011-6; s. 67, ch. 2011-40; HJR 7105, 2011 Regular Session.

106.1439 Electioneering communications; disclaimers.—

(1) Any electioneering communication, other than a text message or a telephone call, must prominently state: "Paid electioneering communication paid for by (Name and address of person paying for the communication)."

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

History.—s. 7, ch. 2004-252; s. 28, ch. 2010-167; ss. 19, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 4, ch. 2021-49.

106.147 Text message and telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(1)(a) Any text message or telephone call supporting or opposing a candidate, an elected public official, or a ballot measure, and any electioneering text message or telephone call, must include the phrase "Paid for by," followed by the name of the persons or organizations sponsoring the message or call or, in the case of a text message, a working hyperlink or a uniform resource locator (URL) to a website containing the required disclosure.

(b) A candidate's text message or telephone call must include the phrase "Paid for by," followed by the name of the candidate, then followed by the word "For," and the name of the elective office sought.

(c) A website that is hyperlinked, or identified by URL, in a text message must remain online and available to the public for at least 30 days after the date of the election in which the candidate or ballot measure that the advertisement supported or opposed was voted on.

(d)1. If an exchange consists of a sequence of multiple text messages sent on the same day, the sponsorship disclaimer is only required to be included with the first text message.

2. A person or an organization is deemed to be in compliance with this subsection if the sponsorship disclaimer required by this subsection is included in the text message in the form in which the person or organization intended it to be sent, regardless of the form the carrier relayed it to the recipient.

3. If a person or an organization includes a working hyperlink or URL in the text message as part of the required disclaimer, the person or organization is deemed to be in compliance with this subsection even if the recipient's device is incapable of accessing the referenced website.

(e) This subsection does not apply to any:

1. Telephone call:

a. In which both the individual making the call is not being paid and the individuals participating in the call know each other before the call; or

b. That is a part of a series of like telephone calls consisting of fewer than 1,000 completed calls averaging more than 2 minutes in duration which are conducted for the purpose of polling respondents regarding a candidate or an elected public official.

2. Text message:

a. In which both the individual sending the text message is not being paid and the text is individually sent without the assistance of mass distribution technology, including a text messaging platform; or

b. That requires the recipient to sign up or opt in to receive it.

(2) A text message or a telephone call may not state or imply that the caller:

(a) Represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation; or

(b) Represents a nonexistent person or organization.

(3) Any text message or telephone call, not conducted by independent expenditure, which expressly advocates for or against a candidate or ballot measure requires prior written authorization by the candidate or sponsor of the ballot measure that the text message or telephone call supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot measure before the time the text messages or telephone calls commence.

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

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

History.—s. 18, ch. 97-13; s. 31, ch. 2008-95; s. 29, ch. 2010-167; ss. 20, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 21, ch. 2013-37; s. 5, ch. 2021-49.

106.1475 Text message and telephone solicitation; registered agent requirements; penalty.—

(1) Any person or organization that conducts business in this state consisting of sending text messages or placing telephone calls that are subject to the disclaimer requirements in s. 106.147 must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

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

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

1. The name, address, and telephone number of the registered agent.

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

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

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

History.—s. 19, ch. 97-13; s. 6, ch. 2021-49.

106.15 Certain acts prohibited.—

(1) No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or her candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

(2) No candidate, in the furtherance of his or her candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in chapter 287, solely for the purpose of furthering his or her candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of his or her candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

(3) A candidate may not, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee during working hours.

(4) No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. For purposes of this subsection, "accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This subsection shall not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

(5) Any person violating the provisions of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 15, ch. 73-128; s. 9, ch. 74-200; s. 1, ch. 77-174; s. 54, ch. 77-175; s. 61, ch. 79-400; s. 31, ch. 81-304; s. 28, ch. 83-217; s. 2, ch. 83-304; s. 16, ch. 91-45; s. 17, ch. 91-107; s. 648, ch. 95-147; s. 2, ch. 97-223; s. 7, ch. 2002-197.

106.16 Limitation on certain rates and charges. No person or corporation within the state publishing a newspaper or other periodical or operating a radio or television station or network of stations in Florida shall charge one candidate for state or county public office for political advertising in a county, or for political broadcasts in a county, at a rate in excess of that charged another political candidate.

History.—s. 16, ch. 73-128; s. 55, ch. 77-175; s. 18, ch. 89-256.

106.161 Air time available at the lowest unit rate. To the extent permitted by federal law, all broadcast radio and television stations and all cable television stations shall make air time available to candidates for public office at the lowest unit rate.

History.—s. 35, ch. 91-107.

106.165 Use of closed captioning and descriptive narrative in all television broadcasts.—Each candidate, political party, affiliated party committee, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the appropriate qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission.

History.—s. 7, ch. 2002-281; s. 71, ch. 2005-277; ss. 21, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 29, ch. 2012-116.

Note.—Former s. 98.122.

106.17 Polls and surveys relating to candidacies.—Any candidate, political committee, electioneering communication organization, affiliated party committee, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, electioneering communication organization, affiliated party committee, or political party maintains complete jurisdiction over the poll in all its aspects. State and county executive committees of a political party or an affiliated party committee may authorize and conduct political polls for the purpose of determining the viability of potential candidates. Such poll results may be shared with potential candidates, and expenditures incurred by state and county executive committees or an affiliated party committee for potential candidate polls are not contributions to the potential candidates.

History.—s. 17, ch. 73-128; s. 1, ch. 77-174; s. 56, ch. 77-175; s. 32, ch. 81-304; s. 47, ch. 2007-30; s. 30, ch. 2010-167; ss. 22, 30, ch. 2011-6; s. 68, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 22, ch. 2013-37.

106.18 When a candidate's name to be omitted from ballot.—

(1) The name of a candidate shall not be printed on the ballot for an election if the candidate is convicted of violating s. 106.19.

(2) Any candidate whose name is removed from the ballot pursuant to subsection (1) is disqualified as a candidate for office. If the disqualification of such candidate results in a vacancy in nomination, such vacancy shall be filled by a person other than such candidate in the manner provided by law.

(3) No certificate of election shall be granted to any candidate until all preelection reports required by s. 106.07 have been filed in accordance with the provisions of such section. However, no candidate shall be prevented from receiving a certificate of election for failure to file any copy of a report required by this chapter.

History.—s. 18, ch. 73-128; s. 57, ch. 77-175; s. 11, ch. 85-226; s. 37, ch. 90-315; s. 3, ch. 90-338.

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

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

(4) Except as otherwise expressly stated, the failure by a candidate to comply with the requirements of this chapter has no effect upon whether the candidate has qualified for the office the candidate is seeking.

History.—s. 19, ch. 73-128; s. 57, ch. 77-175; s. 62, ch. 79-400; s. 12, ch. 91-107; s. 649, ch. 95-147; ss. 24, 45, ch. 97-13; s. 8, ch. 2002-197; s. 11, ch. 2006-300; s. 69, ch. 2011-40; s. 35, ch. 2013-37.

106.191 Signatures gathered for initiative petition; effect of ch. 97-13.—Any signature gathered on an authorized form for an initiative petition by a paid petition circulator which has been submitted prior to the effective date of this act may be kept and counted, if otherwise valid, and that form is not required to have the

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

History.—s. 25, ch. 97-13.

106.21 Certificates of election not to be issued upon conviction.—

(1) If a successful candidate is convicted of violating s. 106.19(1) prior to the issuance of his or her certificate of election, such certificate shall not be issued, and a vacancy shall be declared and filled as provided by law.

(2) If a successful candidate is convicted of violating s. 106.19(1) subsequent to the issuance of a certificate of election but prior to taking office, such certificate shall be rescinded by the issuing body and declared void, and a vacancy in office shall exist and be filled as provided by law.

History.—s. 21, ch. 73-128; s. 57, ch. 77-175; s. 650, ch. 95-147.

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

(1) Prescribe forms for statements and other information required to be filed by this chapter. Such forms shall be furnished by the Department of State or office of the supervisor of elections to persons required to file such statements and information with such agency.

(2) Prepare and publish manuals or brochures setting forth recommended uniform methods of bookkeeping and reporting, and including appropriate portions of the election code, for use by persons required by this chapter to file statements.

(3) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(4) Preserve statements and other information required to be filed with the division pursuant to this chapter for a period of 10 years from date of receipt.

(5) Prepare and publish such reports as it may deem appropriate.

(6) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this chapter. The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the [1]Election Campaign Financing Trust Fund.

(7) Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter.

(8) Employ such personnel or contract for such services as are necessary to adequately carry out the intent of this chapter.

(9) Prescribe rules and regulations to carry out the provisions of this chapter. Such rules shall be prescribed pursuant to chapter 120.

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

History.—s. 22, ch. 73-128; s. 57, ch. 77-175; s. 13, ch. 79-365; s. 4, ch. 84-254; s. 3, ch. 86-276; s. 9, ch. 90-338; s. 46, ch. 97-13; s. 7, ch. 2001-75; s. 72, ch. 2005-277.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.23 Powers of the Division of Elections.—

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

(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, affiliated party committee, political committee, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such supervisor, candidate, local officer having election-related duties, political party, affiliated party committee, committee, person, or organization has taken or proposes to take. Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State. A written record of all such opinions issued by the division, sequentially numbered,

dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

History.—s. 23, ch. 73-128; s. 3, ch. 76-233; s. 58, ch. 77-175; s. 651, ch. 95-147; s. 47, ch. 97-13; s. 8, ch. 2001-75; ss. 23, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 23, ch. 2013-37.

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

(1)(a) There is created within the Department of Legal Affairs, Office of the Attorney General, a Florida Elections Commission, hereinafter referred to as the commission. The commission shall be a separate budget entity and the agency head for all purposes. The commission shall not be subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.

(b) The commission shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list. The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. Each member of the commission is subject to confirmation by the Senate. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other members of the commission shall serve for 4-year terms and until their successors are appointed. An individual who is a lobbyist at the state or local government level may not serve as a member of the commission, except that this prohibition shall not apply to an individual who is a member of the commission on July 1, 2002, until the expiration of his or her current term. A member of the commission is prohibited from lobbying state or local government while he or she is a member of the commission, except that this prohibition shall not apply to an individual who is a member of the commission on July 1, 2002, until the expiration of his or her current term.

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

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

(e) In no event may any member of the commission serve more than two full terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the nine members of the commission, no more than five members shall be from the same political party at any one time.

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

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

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

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

(6) There is established in the State Treasury an Elections Commission Trust Fund to be used by the Florida Elections Commission in order to carry out its duties pursuant to ss. 106.24-106.28. The trust fund may also be used by the Secretary of State, pursuant to his or her authority under s. 97.012(15), to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.

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

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

History.—s. 24, ch. 73-128; s. 10, ch. 74-200; s. 59, ch. 77-175; s. 63, ch. 79-400; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 19, ch. 89-256; s. 36, ch. 89-338; s. 38, ch. 90-315; ss. 4, 14, 15, ch. 90-338; s. 5, ch. 91-429; s. 1, ch. 93-262; s. 652, ch. 95-147; s. 48, ch. 97-13; s. 3, ch. 2002-281; s. 69, ch. 2005-277; s. 32, ch. 2008-95; s. 5, ch. 2010-16; s. 2, ch. 2017-3.

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

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

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it under this subsection by the Division of Elections. Such sworn complaint must be based upon personal information or information other than hearsay. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. The commission shall investigate only those alleged violations specifically contained within the sworn complaint. If any complainant fails to allege all violations that arise from the facts or allegations alleged in a complaint, the commission shall be barred from investigating a subsequent complaint from such complainant that is based upon such facts or allegations that were raised or could have been raised in the first complaint. If the complaint includes allegations of violations relating to expense items reimbursed by a candidate, committee, or organization to the campaign account before a sworn complaint is filed, the commission shall be barred from investigating such allegations. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. The respondent shall have 14 days after receipt of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period. If the executive director finds that the complaint is legally sufficient, the respondent shall be notified of such finding by letter, which sets forth the statutory provisions alleged to have been violated and the alleged factual basis that supports the finding. All sworn complaints alleging violations of the Florida Election Code over which the commission has jurisdiction shall be filed with the commission within 2 years after the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission. The complainant may withdraw the sworn complaint at any time prior to a probable cause hearing if good cause is shown. Withdrawal shall be requested in writing, signed by the complainant, and witnessed by a notary public, stating the facts and circumstances constituting good cause. The executive director shall prepare a written recommendation regarding disposition of the request which shall be given to the commission together with the request. "Good cause" shall be determined based upon the legal sufficiency or insufficiency of the complaint to allege a violation and the reasons given by the complainant for wishing to withdraw the complaint. If withdrawal is permitted, the commission must close the investigation and the case. No further action may be taken. The complaint will become a public record at the time of withdrawal.

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or chapter 104 or the willful failure to perform an act required by this chapter or chapter 104. The commission may not by rule determine what constitutes willfulness or further define the term "willful" for purposes of this chapter or chapter 104. Willfulness is a determination of fact; however, at the request of the respondent at any time after probable cause is found, willfulness may be considered and determined in an informal hearing before the commission.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred.

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

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

(c) Counsel for the commission shall review the investigator's report and shall make a written recommendation to the commission for the disposition of the complaint. If the counsel for the commission recommends that the commission find probable cause, the

recommendation shall include a statement of what charges shall be at issue. A copy of the recommendation shall be furnished to the respondent. The respondent shall be given not less than 14 days from the date of mailing of the recommendation of counsel for the commission to file with the commission a written response to the recommendation. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the commission, so long as the recommendation is furnished to the respondent within a reasonable period of time under the circumstances.

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

(e) The probable cause determination is the conclusion of the preliminary investigation. The respondent and the counsel for the commission shall be permitted to make brief oral statements in the nature of oral argument to the commission, based on the investigator's report, before the probable cause determination. The commission's determination shall be based upon the investigator's report, the recommendation of counsel for the commission, the complaint, and staff recommendations, as well as any written statements submitted by the respondent and any oral statements made at the hearing. No testimony or other evidence will be accepted at the hearing.

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

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

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

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

4. The expense of further proceedings; and

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

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

(g) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator. A finding of no probable cause by the commission is a full adjudication of all such matters. The commission may not charge a respondent in a subsequent complaint alleging violations based upon the same actions, nonactions, or circumstances wherein the commission found no probable cause.

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

(i)1. Upon a commission finding of probable cause, the counsel for the commission shall attempt to reach a consent agreement with the respondent. At any time, the commission may enter into a consent order with a respondent without requiring the respondent to admit to a violation of law within the jurisdiction of the commission.

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

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

(j) If a consent agreement is reached between the commission and the respondent, counsel for the commission shall send a copy of the signed agreement to both complainant and respondent.

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

(5) A person alleged by the Elections Commission to have committed a violation of this chapter or chapter 104 may elect, as a matter of right, within 30 days after the date of the filing of the commission's allegations, to have a formal administrative hearing conducted by an administrative law judge in the Division of Administrative

Hearings. The administrative law judge in such proceedings shall enter a final order, which may include the imposition of civil penalties, subject to appeal as provided in s. 120.68. If the person does not elect to have a hearing by an administrative law judge and does not elect to resolve the complaint by a consent order, the person is entitled to a formal or informal hearing conducted before the commission.

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

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

(a) As provided in subsection (6);

(b) Upon a determination of probable cause or no probable cause by the commission; or

(c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter or chapter 104, the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

History.—s. 25, ch. 73-128; s. 11, ch. 74-200; s. 60, ch. 77-175; s. 3, ch. 78-403; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 39, ch. 84-302; s. 20, ch. 89-256; ss. 5, 14, 15, ch. 90-338; s. 21, ch. 90-360; s. 18, ch. 91-107; s. 5, ch. 91-429; s. 26, ch. 96-406; s. 49, ch. 97-13; s. 34, ch. 98-129; s. 21, ch. 2004-252; s. 48, ch. 2007-30; s. 16, ch. 2010-167; s. 70, ch. 2011-40; s. 1, ch. 2013-14.

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

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all sworn complaints filed with it and all matters reported to it by the Division of Elections. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers, or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint in the circuit court where the witness resides setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(2) All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel

expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

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

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

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

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

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

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

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

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

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter or chapter 104 has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

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

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

History.—s. 26, ch. 73-128; s. 12, ch. 74-200; s. 60, ch. 77-175; s. 4, ch. 78-403; s. 64, ch. 79-400; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 21, ch. 89-256; ss. 6, 14, 15, ch. 90-338; s. 74, ch. 91-45; s. 5, ch. 91-429; s. 2, ch. 94-170; s. 1396, ch. 95-147; s. 50, ch. 97-13; s. 35, ch. 98-129; s. 71, ch. 2011-40.

106.265 Civil penalties.—

(1)(a) The commission or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the administrative law judge is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed $2,500 per count. The fine may be multiplied by a factor of 3, not to exceed $7,500, for each subsequent count of the same category, beginning with the fourth offense.

(b) If applicable, the commission or the administrative law judge may instead impose a civil penalty as provided in s. 104.271 or s. 106.19.

(2) A fine imposed against a political committee jointly and severally attaches to the chair of the political

committee if the political committee does not pay the fine within 30 days.

(3) In determining the amount of such civil penalties, the commission or administrative law judge shall consider, among other mitigating and aggravating circumstances:

(a) The gravity of the act or omission;

(b) Any previous history of similar acts or omissions;

(c) The appropriateness of such penalty to the financial resources of the person, political committee, affiliated party committee, electioneering communications organization, or political party; and

(d) Whether the person, political committee, affiliated party committee, electioneering communications organization, or political party has shown good faith in attempting to comply with the provisions of this chapter or chapter 104.

(4) If any person, political committee, affiliated party committee, electioneering communications organization, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action.

(5) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the General Revenue Fund.

(6) Any fine assessed pursuant to this chapter shall be deposited into the General Revenue Fund.

(7) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

History.—s. 61, ch. 77-175; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 4, ch. 86-276; ss. 7, 14, 15, ch. 90-338; s. 5, ch. 91-429; s. 51, ch. 97-13; s. 36, ch. 98-129; s. 3, ch. 2000-355; s. 22, ch. 2004-252; ss. 24, 30, ch. 2011-6; s. 72, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 24, ch. 2013-37; s. 50, ch. 2023-120.

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter or chapter 104 may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter or chapter 104 shall be advanced on the docket of the court in which filed and put ahead of all other actions.

(2) Civil actions may be brought by the commission for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. Such civil actions shall be brought by the commission in the appropriate court of competent jurisdiction, and the venue shall be in the county in which the alleged violation occurred or in which the alleged violator or violators are found, reside, or transact business. Upon a proper showing that such person, political committee, affiliated party committee, or political party has engaged, or is about to engage, in prohibited acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court, and the civil fines provided by this chapter may be imposed.

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter or chapter 104. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate qualified for office.

History.—s. 27, ch. 73-128; s. 13, ch. 74-200; s. 62, ch. 77-175; s. 1, ch. 82-46; s. 2, ch. 83-265; ss. 8, 14, 15, ch. 90-338; s. 5, ch. 91-429; s. 37, ch. 98-129; ss. 25, 30, ch. 2011-6; HJR 7105, 2011 Regular Session; s. 25, ch. 2013-37.

106.28 Limitation of actions.—Actions for violation of this chapter must be commenced before 2 years have elapsed from the date of the violation.

History.—s. 28, ch. 73-128; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 22, ch. 89-256; s. 14, ch. 90-338.

106.29 Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party and any affiliated party committee regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. However, the reports shall not include contributions and expenditures that are reported to the Federal Election Commission. In addition, when a special election is called to fill a vacancy in office, each state executive committee, each affiliated party committee, and each county executive committee making contributions or expenditures to influence the results of the special election or the preceding special primary election must file campaign treasurers' reports on the dates set by the Department of State pursuant to s. 100.111. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding each special primary election, special election, primary election, and general election. In addition to the reports filed under this section, the state executive committee, each county executive committee, and each affiliated party committee shall file a copy of each prior written acceptance of an in-kind contribution given by the committee during the preceding calendar quarter as required under s. 106.08(6). Each state executive

committee and affiliated party committee shall file its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee or affiliated party committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2) The chair and treasurer of each state or county executive committee shall certify as to the correctness of each report filed by them on behalf of such committee. The leader and treasurer of each affiliated party committee under s. 103.092 shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chair, leader, or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee or the leader of the affiliated party committee as defined in s. 103.092 as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $1,000 for a state executive committee, $1,000 for an affiliated party committee, and $50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee or an affiliated party committee fails to file a report on the Friday immediately preceding the special election or general election, the fine shall be $10,000 per day for each day a state executive committee is late, $10,000 per day for each day an affiliated party committee is late, and $500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair or leader as defined in s. 103.092. Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 is dated.

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

(c) The chair of an executive committee or the leader of an affiliated party committee as defined in s. 103.092 may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the chair of the executive committee or the leader of the affiliated party committee as defined in s. 103.092 shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

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

(4) Any contribution received by a state or county executive committee or affiliated party committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, affiliated party committee, or political party participating in such election.

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

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

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

History.—s. 29, ch. 73-128; s. 14, ch. 74-200; s. 62, ch. 77-175; s. 65, ch. 79-400; ss. 14, 33, ch. 81-304; s. 1, ch. 82-46; s. 13, ch. 82-143; s. 2, ch. 83-265; s. 40, ch. 84-302; s. 23, ch. 89-256; s. 39, ch. 90-315; ss. 10, 14, ch. 90-338; ss. 8, 12, ch. 91-107; s. 3, ch. 95-140; s. 653, ch. 95-147; s. 8, ch. 97-13; ss. 23, 24, ch. 2004-252; s. 26, ch. 2005-286; s. 2, ch. 2005-360; ss. 26, 30, ch. 2011-6; s. 73, ch. 2011-40; HJR 7105, 2011 Regular Session.

106.295 Leadership fund.—

(1) For purposes of this section:

(a) "Leadership fund" means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) "Leader" means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by a political caucus of members of either house to succeed to any such position.

(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.

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

History.—s. 24, ch. 89-256.

106.30 Short title.—Sections 106.30-106.36 may be cited as the "Florida Election Campaign Financing Act."

History.—s. 1, ch. 86-276.

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups. The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so and to protect the effective competition by a candidate who uses public funding.

History.—s. 1, ch. 86-276; s. 67, ch. 2001-40.

106.32 [1]Election Campaign Financing Trust Fund.—

(1) There is hereby established in the State Treasury an [1]Election Campaign Financing Trust Fund to be utilized by the Department of State as provided in ss. 106.30-106.36. If necessary, each year in which a general election is to be held for the election of the Governor and Cabinet, additional funds shall be transferred to the [1]Election Campaign Financing Trust Fund from general revenue in an amount sufficient to fund qualifying candidates pursuant to the provisions of ss. 106.30-106.36.

(2) Proceeds from filing fees pursuant to ss. 99.092, 99.093, and 105.031 shall be deposited into the [1]Election Campaign Financing Trust Fund as designated in those sections.

(3) Proceeds from assessments pursuant to ss. 106.07 and 106.29 shall be deposited into the [1]Election Campaign Financing Trust Fund as designated in those sections.

History.—s. 1, ch. 86-276; s. 19, ch. 91-107; s. 26, ch. 2013-37.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.33 Election campaign financing; eligibility. Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the [1]Election Campaign Financing Trust Fund, upon qualifying for office, shall file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, the respective candidates running for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011 and must:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

1. One hundred fifty thousand dollars for a candidate for Governor.

2. One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to $250,000 in the aggregate, which loans or contributions do not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

History.—s. 1, ch. 86-276; s. 40, ch. 90-315; s. 20, ch. 91-107; s. 68, ch. 2001-40; s. 47, ch. 2005-278; s. 27, ch. 2013-37.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the [1]Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: $2.00 for each Florida-registered voter.

(b) Cabinet officer: $1.00 for each Florida-registered voter.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date.

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

History.—s. 1, ch. 86-276; s. 41, ch. 90-315; s. 21, ch. 91-107; s. 654, ch. 95-147; s. 48, ch. 2005-278; s. 7, ch. 2018-110.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.35 Distribution of funds.—

(1) The division shall review each request for contributions from the [1]Election Campaign Financing Trust Fund and certify whether the candidate is eligible for such contributions. Notice of the certification decision shall be provided to the candidate. An adverse decision may be appealed to the Florida Elections Commission. The division shall adopt rules providing a procedure for such appeals.

(2)(a) Each candidate who has been certified to receive contributions from the [1]Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of $250 or less from an individual, made after September 1 of the calendar year prior to the election. Any contribution received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident. Aggregate contributions from an individual in excess of $250 will be matched only up to $250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

(3)(a) Certification and distribution of funds shall be based on contributions to the candidate reported to the division for such purpose. The division shall review each report and verify the amount of funds to be distributed prior to authorizing the release of funds. The division may prescribe separate reporting forms for candidates for Governor and Cabinet officer.

(b) Notwithstanding the provisions of s. 106.11, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the division on the report due on the 4th day prior to the election, may obligate funds not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive from the [1]Election Campaign Financing Trust Fund without the funds actually being on deposit in the campaign account.

(4) Distribution of funds shall be made beginning on the 32nd day prior to the primary and every 7 days thereafter.

(5) The division shall adopt rules providing for the weekly reports and certification and distribution of funds pursuant thereto required by this section. Such rules shall, at a minimum, provide specifications for electronically transmitted campaign treasurer's reports outlining communication parameters and protocol, data record formats, and provisions for ensuring security of data and transmission.

History.—s. 1, ch. 86-276; s. 25, ch. 89-256; s. 42, ch. 90-315; s. 22, ch. 91-107; s. 69, ch. 2001-40; s. 49, ch. 2007-30; s. 74, ch. 2011-40.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.353 Candidates voluntarily abiding by election campaign financing limits but not requesting public funds; irrevocable statement required; penalty.—

(1) Not later than qualifying for office, each candidate for the office of Governor or member of the Cabinet who has not made a request to receive contributions from the [1]Election Campaign Financing Trust Fund, but who wishes to voluntarily abide by the applicable expenditure limit set forth in s. 106.34 and the contribution limits on personal and party funds set forth in s. 106.33, shall file an irrevocable statement to that effect with the Secretary of State.

(2) Any candidate who files such a statement and subsequently exceeds such limits shall pay to the [1]Election Campaign Financing Trust Fund an amount equal to the amount of the excess contributions or expenditures. Such penalty shall not be an allowable campaign expense and shall be paid from personal funds of the candidate. However, if a nonparticipating candidate exceeds the expenditure limit as described in s. 106.355, a candidate signing the statement pursuant to this section may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty.

History.—s. 23, ch. 91-107.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.355 Nonparticipating candidate exceeding limits.—Whenever a candidate for the office of Governor or member of the Cabinet who has elected not to participate in election campaign financing under the provisions of ss. 106.30-106.36 exceeds the applicable expenditure limit provided in s. 106.34, all opposing candidates participating in such election campaign financing are, notwithstanding the provisions of s. 106.33 or any other provision requiring adherence to such limit, released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit, are still eligible for matching contributions up to such limit, and shall not be required to reimburse any

matching funds provided pursuant thereto. In addition, the Department of State shall, within 7 days after a request by a participating candidate, provide such candidate with funds from the [1]Election Campaign Financing Trust Fund equal to the amount by which the nonparticipating candidate exceeded the expenditure limit, not to exceed twice the amount of the maximum expenditure limits specified in s. 106.34(1)(a) and (b), which funds shall not be considered matching funds.

History.—s. 24, ch. 91-107.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.36 Penalties; fines.—In addition to any other penalties which may be applicable under the election code, any candidate who receives contributions from the [1]Election Campaign Financing Trust Fund and who exceeds the applicable expenditure limit, except as authorized in ss. 106.353 and 106.355, or falsely reports qualifying matching contributions and thereby receives contributions from the [1]Election Campaign Financing Trust Fund to which the candidate was not entitled shall be fined an amount equal to three times the amount at issue, which shall be deposited in the [1]Election Campaign Financing Trust Fund.

History.—s. 1, ch. 86-276; s. 11, ch. 90-338; s. 25, ch. 91-107; s. 655, ch. 95-147.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

CHAPTER 107

CONVENTIONS TO CONSIDER PROPOSED AMENDMENTS TO UNITED STATES CONSTITUTION

107.01 Conventions constituted.
107.02 Delegates.
107.03 Election of delegates.
107.04 Candidates file application; fee and petition for name on official ballot.
107.05 Official ballots.
107.06 Clerks and inspectors; compensation fixed.
107.07 Canvass of returns.
107.08 Convention time and place.
107.09 Convention powers; quorum; compensation.
107.10 Certification of convention action.
107.11 Appropriation for expenses.

107.01 Conventions constituted.—Whenever the Congress shall propose, to conventions in the several states, an amendment to the Constitution of the United States, for ratification or rejection, and shall not have provided the manner in which such conventions shall be constituted, the conventions in this state shall be chosen and constituted in the manner in this chapter prescribed and shall function in accordance with this chapter.

History.—s. 1, ch. 16180, 1933; CGL 1936 Supp. 319(1).

107.02 Delegates.—Conventions shall consist of 67 delegates from the state at large. Each delegate shall possess the qualifications of a member of the House of Representatives of the Legislature of this state; and each shall hold office from the date of his or her election and until the convention shall have discharged the duties for which it was selected.

History.—s. 2, ch. 16180, 1933; CGL 1936 Supp. 319(2); s. 656, ch. 95-147.

107.03 Election of delegates.—

(1) The delegates composing the convention shall be elected at a special election which shall be held in each county of this state on a date to be fixed by the Governor, not less than 5 months and not more than 10 months after the date of the proposal by the Congress. The Governor shall issue his or her call for such election at least 45 days prior to the date thereof, which, as soon as issued, shall be published by the Department of State at least one time, in a newspaper of general circulation in each county. Such election shall be conducted, except as herein specified, in all respects in the manner and form prescribed by the laws of this state for holding general elections.

(2) All electors who were duly qualified to vote in the last preceding general election shall be qualified to vote in such special election without further registration. The registration books in each county shall be opened 10 days after the Governor shall issue his or her call and shall remain open, in each county, until and including the 10th day before the election, during which time all persons who have not been registered, though entitled to be, or who shall have become entitled to registration since the last general election, shall be permitted to register. During the time in which the registration books are required to be kept open by this section, any registered voter shall be permitted to qualify to vote in such election.

(3) Provided, that if any general election be held in this state within 1 year after the date of the proposal by the Congress, such delegates shall be chosen at such general election and all electors qualified to vote in such general election shall be qualified to vote for such delegates, unless the Governor, by proclamation, shall require such delegates to be chosen at a special election, in which event they shall be elected as herein provided.

History.—s. 3, ch. 16180, 1933; CGL 1936 Supp. 319(3); ss. 10, 35, ch. 69-106; s. 657, ch. 95-147.

107.04 Candidates file application; fee and petition for name on official ballot.—

(1) Any person desiring to become a candidate for election as a delegate to said convention shall file a sworn application with the Department of State on such form as that department shall prescribe, not less than 20 days before the date of election, in which shall be stated the person's name in full, residence, age, color, and occupation. Such application shall also state, under oath, that the applicant is a citizen of the United States and of the state and is a qualified elector of the county in which he or she resides. The applicant may also state whether or not he or she favors the ratification of the proposed amendment or opposes it and whether or not he or she desires his or her name to appear upon the ballot as favoring or opposing such amendment or as unpledged.

(2) If the applicant shall request that his or her name appear on the ballot as favoring or as opposing the amendment, his or her application shall be accompanied by a qualification fee of $25 and by one or more petitions, requesting that his or her name be placed upon the official ballot, and signed by not fewer than 500 qualified electors. It shall be permissible for any number of qualified voters to join in one or more petitions requesting the placing on the official ballot of the names of more than one candidate but not exceeding the total number to be elected. Any applicant may withdraw his or her name at any time before the ballots are actually printed.

History.—s. 4, ch. 16180, 1933; CGL 1936 Supp. 319(4); ss. 10, 35, ch. 69-106; s. 658, ch. 95-147.

107.05 Official ballots.—The ballots shall be prepared by the Department of State and distributed by it to the county commissioners in the several counties at least 10 days prior to such election. They shall contain the substance of the proposed amendment and in alphabetical order:

(1) The names of all candidates who shall have declared in favor of the ratification of such amendment;

(2) The names of all candidates who shall have declared against the ratification of such amendment; and

(3) The names of all candidates who shall have qualified without pledging themselves either for or against the amendment.

When delegates are elected at general elections as provided in s. 107.03, such matters shall be printed on the general election ballots. In either event, in addition to the names of unpledged candidates printed on said ballots and whether there be any such names on said ballots or not, there shall be provided, under subsection (3) blank lines in equal number to the number of persons who may be elected as such delegates.

History.—s. 5, ch. 16180, 1933; CGL 1936 Supp. 319(5); ss. 10, 35, ch. 69-106.

107.06 Clerks and inspectors; compensation fixed.—The board of county commissioners of each county shall appoint clerks and inspectors of election for such special election in accordance with the general election laws, except that such appointments may be made at any time more than 5 days prior to the election; whereupon they shall publish the names of such inspectors and clerks in a newspaper printed in the county. The clerks and inspectors of election shall receive compensation at the rate of $5 per diem for each day actually and necessarily served in performing their duties as such. Such compensation, together with other lawful expenses incurred by the several boards of county commissioners, shall be paid as provided in s. 107.11, after the several boards of county commissioners shall have certified the same to the Elections Canvassing Commission and such accounts shall have been approved by such Elections Canvassing Commission.

History.—s. 6, ch. 16180, 1933; CGL 1936 Supp. 319(6); ss. 10, 35, ch. 69-106.

107.07 Canvass of returns.—Within 3 days after the date of the special elections the county commissioners shall meet and canvass the returns thereof in their respective counties and transmit the same to the Department of State. Within 14 days after the date of the special elections the Elections Canvassing Commission shall meet and canvass such returns. The commission shall thereupon declare the 67 candidates who receive the greatest number of votes in the state at large to have been elected as delegates to the convention, and shall immediately issue a certificate of election to each of such persons. In case of a tie the commission shall select the delegates from those receiving the tie votes.

History.—s. 7, ch. 16180, 1933; CGL 1936 Supp. 319(7); ss. 10, 35, ch. 69-106.

107.08 Convention time and place.—The delegates to the convention shall meet in such place as shall be provided for that purpose by the Department of State, at the state capitol at Tallahassee on the second Tuesday in the month following their election, at 12 noon. They shall thereupon constitute a convention to ratify or reject the proposed amendment to the Constitution of the United States.

History.—s. 8, ch. 16180, 1933; CGL 1936 Supp. 319(8); ss. 10, 35, ch. 69-106.

107.09 Convention powers; quorum; compensation.—

(1) The convention shall have power to ratify or reject the proposed amendment to the Constitution of the United States for which it shall have been selected; to choose a president and a secretary and all other necessary officers, clerks and attaches to fill vacancies in its membership; and to make rules governing its procedure. It shall be the sole judge of the election and qualifications of its members. A majority of the total number of delegates elected to the convention shall constitute a quorum.

(2) The delegates to such convention shall serve without compensation or expenses; but the secretary and other officers, clerks and attaches shall receive such compensation as may be fixed by the convention.

(3) The convention shall have no other power than that hereby expressly conferred or necessarily incident to the purpose of its creation; any other action attempted to be taken by it shall be utterly null, void, and of no effect.

History.—s. 9, ch. 16180, 1933; CGL 1936 Supp. 319(9); s. 28, ch. 77-104.

107.10 Certification of convention action.—When the convention shall have agreed, by "yea" and "nay" vote of a majority of the total number of delegates elected, to the ratification or rejection of the proposed amendment to the Constitution of the United States, a certificate to that effect shall be executed by its president and secretary and filed with the Department of State of Florida. A copy of the minutes of its proceedings, likewise signed by such officials, shall also be filed with the Department of State. The Department of State of Florida, after the filing of such certificate, shall transmit a copy thereof, certified under the Great Seal of Florida, to the Secretary of State of the United States.

History.—s. 10, ch. 16180, 1933; CGL 1936 Supp. 319(10); ss. 10, 35, ch. 69-106.

107.11 Appropriation for expenses.—For the purpose of defraying the expenses of preparing for, conducting, holding, and declaring the result of the election provided for by this chapter and also for the purpose of defraying the expenses allowed by this chapter for the holding of sessions of the convention as herein provided, to be audited by the Chief Financial Officer, there is appropriated out of the General Revenue Fund of the State of Florida a sufficient sum of money for the payment of all amounts necessary to be expended under the terms of this chapter, which sums of money shall be disbursed by the State of Florida pursuant to warrants drawn by the Chief Financial Officer for the payment of same.

History.—s. 11, ch. 16180, 1933; CGL 1936 Supp. 319(11); s. 111, ch. 2003-261.

Florida Election Code Index

ACCOUNTANTS
- Campaign financing reports, preparation, 106.141

ACCOUNTS
- Election campaign treasurers, 106.06

ADMINISTRATIVE HEARINGS, DIVISION OF
- Director
  - Candidates falsely claiming military service, appointment of administrative law judge, 104.2715

ADVERTISEMENTS AND ADVERTISING
- Candidates for office, free advertising by social media platforms, 106.072
- Public policy or vote of public official, advertisements intended to influence, 106.1437

AGENTS
- Electronic voting system vendors, 101.5605

AGRICULTURE, COMMISSIONER OF
- Campaign financing, 106.08, 106.32, 106.33, 106.34, 106.35
- Election, 100.041
- Membership on
  - Political party state executive committee, 103.091
- Term of office, 100.041

AIRCRAFT
- Candidate travel on private aircraft, valuation for campaign financing purposes, 106.055
- State aircraft
  - Candidates for public office, use, 106.15
  - Charges, 106.15
  - Limitation on use, 106.15

ALIENS
- Voter registration, ineligibility, 98.045
- Voter registration system maintenance, non-United States citizenship status, 98.093

APPELLATE PROCEDURE
- Campaign financing violation decisions, 106.03, 106.07, 106.0702, 106.0703, 106.29
- Election violation decisions, 106.25
- Elections laws enforcement actions, priority, 97.012
- Voter registration, 97.012, 98.075, 98.0755

APPROPRIATIONS
- Elections, campaign financing for statewide offices, 106.32

ASSISTED LIVING FACILITIES
- Administrators
  - Supervised voting for residents, requesting, 101.655
- Personnel
  - Administrators, 101.655
- Residents
  - Vote-by-mail electors, 101.655, 104.0616

ATTORNEY FEES
- Election complaints, false allegations, 106.265
- Political party county executive committee members, wrongful removal actions, 103.141

ATTORNEY GENERAL
- Campaign financing, limitation on contributions, 106.08
- Campaign financing, state funds, 106.32, 106.33, 106.34, 106.35
- Constitutional amendments or revisions proposed by joint resolutions, revised ballot title or summary, 101.161
- Election, 100.041
- Election Code, civil actions challenging validity; notice of proposed resolution, 97.029
- Initiative petition sponsors, civil action for failure to timely deliver petitions, 100.371
- Membership on
  - Political party state executive committee, 103.091
- Term of office, 100.041
- Third-party voter registration organization violations, civil actions, 97.0575

ATTORNEYS AT LAW
- Campaign financing reports, preparation, 106.141
- Campaign financing violation hearings, right to counsel, 106.26
- Elections Commission attorneys, 106.24, 106.25
- Elections Commission hearings, right to counsel, 106.26
- U.S. attorneys, 98.075, 98.093

AUDITS
- Campaign financing reports and statements, 106.22
- Candidates for statewide office, public campaign funding, 106.22, 106.33
- Political party executive committees, 103.121
- Voting systems, 101.591

BADGES AND INSIGNIA
- Poll watchers, 101.131

BIDS
- Voting equipment purchases, 101.293

BILLS OF RIGHTS
- Voters, 101.031

BOARDS, COMMISSIONS, AND COUNCILS
- Constitution Revision Commission, 101.161
- Elections
  - Election Assistance Commission, 97.052, 97.057, 97.058, 98.212
- Executive Clemency, Board of, 98.075
- Taxation and Budget Reform Commission, 101.161

BONDS
Validation
Intervention of parties, 100.321
Referendum, contesting validity of, 100.321
BOUNDARIES
Election precincts, 98.0981, 101.001
Polling places, no-solicitation zones, 102.031
BRIBERY
Elections, 102.168, 104.061
Voter registration, interfering with or influencing, 104.012
BUDGETING (STATE)
Financial Impact Estimating Conference, 100.371, 101.161
BUILDINGS (PUBLICLY OWNED)
County buildings
Solicitation of political contributions in, 106.15
Polling places, use as, 101.71
Solicitation of political contributions in, 106.15
State buildings and facilities
Solicitation of political contributions in, 106.15
CABINET
Campaign financing, state funds, 106.32, 106.33, 106.34, 106.35
Contributions solicited for certain charitable organizations, reporting duties, 106.0701
Election of members, 100.041
Membership on
Elections Canvassing Commission, 102.111
Terms of members, 100.041
CAMPAIGN FINANCING
Accounting records, 106.06
Advisory opinions, 106.23
Appeals of violation decisions, 106.03, 106.07, 106.0702, 106.0703, 106.29
Audits, 106.22
Candidate's or spouse's living expenses, funds for, 106.1405
Certificates of deposit, 106.021, 106.06, 106.07, 106.0703, 106.141
Civil actions, relief from violations, 106.25, 106.27, 106.28
Complaints alleging violations, 106.25, 106.26
Confidential information, 106.25
Consent agreements involving violations, 106.25
Contributions
Accounting records, 106.06
Affiliated party committees, 106.08
After candidate's election or elimination, 106.141
Assessments on, 106.32
Campaign account withdrawals, 106.021
Campaign treasurer, receipt through, 106.021
Candidate's own funds, 106.021, 106.08, 106.141, 106.33
Cash, 106.09
Certificate of deposit withdrawals, 106.021
Change in office sought, return offer; use of funds not returned, 106.021
Charitable organization contributions, 106.08
Checks, 106.09, 106.35
Contributor identification, 106.05, 106.07
Day of election or less than 5 days before, return, 106.08
Definition, 106.011
Deposit procedures, 106.05
Electioneering communications organizations, 106.011, 106.022, 106.0703, 106.08
Foreign nationals, 106.08
Fund raisers, 106.025
In-kind contributions, 106.055, 106.08, 106.143
In name of another, 106.08
Independent expenditures, 106.011, 106.021, 106.087
Limitations, 106.08, 106.088, 106.29
Nonresidents, 106.08, 106.33, 106.35
Other candidates, 104.071
Political party executive committees, 106.0702, 106.08, 106.29, 106.33
Preemption of local government limitations or restrictions, 106.08
Qualifying by petition, reimbursement of signature verification fees from contributions, 99.097
Records, 106.06
Reports
Affiliated party committee, 106.0705, 106.08, 106.29
Candidates, 106.07, 106.0701, 106.0705
Certificate of deposit or account withdrawals, 106.021
Charitable organization contributions, 106.08
Election campaign financing, 106.35, 106.36
Electioneering communications organizations, 106.0703, 106.0705
Loan repayments, 106.075
Political committees, 106.07, 106.0705, 106.08, 106.19
Political party executive committees, 106.0702, 106.0705, 106.29

Special election to fill vacancy, 100.111, 106.07
Return, 106.07, 106.0703, 106.08
Separate interest-bearing accounts, deposits, and withdrawals, 106.021, 106.06
Solicitation, 102.031, 106.15
Surplus campaign funds, disposition, 106.141
Unlawful acts; penalties
After candidate's withdrawal, defeat, becoming unopposed, or election, 106.08, 106.141
Cash or cashier's check exceeding $50, 106.09
Contribution restriction violations, 106.08
Contributions through or in name of another, 106.08
Day of election or less than 5 days before, failure to return, 106.08
Exceeding limits, 106.08, 106.087, 106.09, 106.19, 106.21, 106.29
Matching contributions, false reporting, 106.36
Soliciting in public buildings, 106.15
Soliciting near polling places, 102.031
Unopposed candidacy, 106.08, 106.141
Withdrawn candidacy, 106.08, 106.141
Credit cards, 106.07, 106.0702, 106.0703, 106.11, 106.125
Criminal prosecution of violations, 106.27, 106.28
Definitions, 106.011
Depositories
Checks, 106.11
Deposit procedures, 106.05
Inspection of account records, 106.07, 106.0703
Petty cash withdrawals, 106.12
Political committees, national depositories, 106.021
Primary campaign depository, 106.021, 106.05, 106.11
Requirement, 106.021
Secondary campaign depositories, 106.021, 106.05
Withdrawal of funds, 106.11, 106.12
Elected officers' office accounts, transfer of surplus campaign funds to, 106.141
Electioneering communications, 106.011, 106.071, 106.113, 106.1437, 106.1439, 106.147, 106.1475
Electioneering communications organizations
Contributions, 106.011, 106.022, 106.0703, 106.08
Definitions, 106.011
Dissolution, 106.03
Expenditures, 106.011, 106.022, 106.0703
Polls and surveys, conducting, 106.17
Registered agent, 106.022, 106.0703
Registered office, 106.022
Registration, 106.03
Reports, 106.0703, 106.0705
Statements of organization, 106.03
Treasurer, 106.0703
Unlawful acts; penalties, 106.0703
Elections Commission investigations and hearings, alleged violations, 106.07, 106.25, 106.26
Elections, Division of; powers and duties, generally, 106.22, 106.23, 106.35
Eliminated candidates, funds disposal, 106.141
Expenditures
Accounting records, 106.06
Affiliated party committees, 106.29
Campaign treasurer, making expenditures through, 106.021, 106.07
Candidate's or spouse's living expenses, 106.1405
Candidate's own funds, 106.021
Checks, 106.11
Communications media placements, campaign signs, insurance, and related expenditures, 106.021, 106.07
Credit cards, 106.07, 106.0702, 106.0703, 106.11, 106.125
Debit cards, 106.11
Electioneering communications or electioneering communications organizations, 106.011, 106.022, 106.0703, 106.071, 106.113
Exceeding limitations, 106.36
Fund raisers, 106.025
Independent expenditures, 106.011, 106.021, 106.071, 106.087, 106.088
Petty cash funds, 106.12
Political parties, purchases from, 106.08
Political party executive committees, 106.0702, 106.087, 106.29
Public utility services, 106.14
Records, 106.06
Reimbursement, 106.021
Religious, civic, or charitable groups; purchases from, 106.08
Reports
Affiliated party committees, 106.0705, 106.29
Campaign treasurers, 106.07, 106.0705
Candidates, 100.111, 106.07, 106.0702
Certification, 106.07, 106.29

Electioneering communications organizations, 106.0703, 106.0705
Electronic filing, 106.0702, 106.0705
Filing deadlines, 106.07, 106.0702, 106.0703, 106.0705, 106.29
Incomplete or inaccurate reports, 106.07, 106.0702, 106.0703, 106.29
Independent expenditures for electioneering communications, 106.071
Political committees, 106.07, 106.0705
Political party executive committees, 106.0702, 106.0705, 106.29
State funds, 106.32, 106.33, 106.34, 106.35
Unopposed, withdrawn, or eliminated candidates, 106.11
Forms, alternative formats, and Internet availability, 97.026
Fund raisers, 106.025
Injunctive relief from violations, 106.27
Inspection of records, 106.06, 106.07, 106.0703
Interest-bearing accounts, 106.021, 106.06, 106.07, 106.0702, 106.0703, 106.141
Investigations of alleged violations, 106.07, 106.23, 106.25, 106.26
Judicial office candidates, 105.071, 105.08
Limitation of enforcement actions, 106.25, 106.28
Loans by candidate, reimbursement, 106.11
Loans, reporting, 106.07, 106.0702, 106.0703, 106.075
Notices of violation investigations and hearings, 106.25
Petty cash funds, 106.07, 106.12
Political party executive committees, 106.08, 106.33
Public funding
Appropriations, 106.32
Audits, 106.22, 106.33
Denial, appeal, 106.35
Distributions, 106.35
Election Campaign Financing Act, 106.30
Election Campaign Financing Trust Fund
Audit of candidates receiving funds, 106.22
Deposits
Assessments, 106.32
Candidate filing fees, 106.32
Public financing for statewide office violations, fines, and penalties, 106.353, 106.36
State funds, 106.32
Surplus funds, 106.141
Disbursements, 106.32, 106.33, 106.34, 106.35, 106.355, 106.36
Establishment, 106.32
Eligibility, 106.33, 106.35
Expenditure limitations, 106.34, 106.35, 106.353, 106.355, 106.36
Legislative intent, 106.31
Local governments, restrictions on expending, 106.113
Matching contributions, 106.35, 106.36
Nonparticipating candidates exceeding limits, 106.355
Qualifications for funding, 106.33
Reporting requirements, 106.07, 106.35
Request for funding, procedure, 106.33
Surplus campaign funds, disposition, 106.141
Voluntary abiding by limits without accepting public funds, irrevocable statement, 106.353
Reports
Affiliated party committees, 106.0705, 106.08, 106.29
Audits, 106.22
Campaign treasurers, 106.07, 106.0705
Certification of incorrect, false, or incomplete reports, 106.07, 106.29
Committees making contributions or expenditures to influence results, 100.111, 106.07
Elected officers, 106.075, 106.141
Electioneering communications organizations, 106.0703, 106.0705
Elections, Division of, 106.22
Electronic filing, 106.07, 106.0705, 106.0706
Failure to submit reports
Audits, 106.22
Candidates and political committees, 106.07, 106.0701, 106.18, 106.19, 106.21
Contributions solicited for certain charitable organizations, 106.0701
Electioneering communications organizations, 106.0703
Political parties and affiliated party committees, 106.29
Political party executive committees, 106.0702
Surplus funds, disposition, 106.141
Financial reports, content, and filing, 106.07, 106.0703, 106.0705, 106.0706
Investigative findings, alleged violations, 106.25
Judicial office candidates, 105.08

Loans, 106.07, 106.0702, 106.0703, 106.075
Political committees, 106.07, 106.0705
Political party executive committees, 106.0705, 106.29
Reimbursement of campaign expenses, 106.021
Special elections or special primary elections, filing dates, 100.111, 106.07
Surplus campaign funds, disposal, 106.141
Transfers of funds, 106.07, 106.0703
Unopposed candidates, 106.07
School board candidates, 105.08
Separate interest-bearing accounts, 106.021, 106.06, 106.07, 106.0702, 106.0703, 106.141
State-owned aircraft and vehicles, payment for use, 106.15
Surplus funds, disposition, 106.141
Travel by candidate upon private aircraft, valuation, 106.055
Treasurers
Accounting records, 106.06
Affiliated party committees, 103.092, 106.0705, 106.088, 106.29
Appointment, 106.021
Candidates, surplus funds disposition, 106.141
Deputy campaign treasurers, 106.021
Duties, generally, 106.021
Electioneering communications organizations, 106.0703
Removal or resignation, 106.021
Replacement, 106.021
Reports, 106.07, 106.0703, 106.0705
Unlawful acts; penalties, 106.07, 106.0703, 106.19, 106.29
Unlawful acts; penalties
Administrative penalties
Electioneering communications organizations, violations, 106.0703
Fines
Constitutional amendment initiative sponsor violations, 106.19, 106.265
Contribution limits, violations, 106.19, 106.29
Electioneering communications organizations, 106.0703
Expenditure violations, 106.087, 106.19, 106.36
Generally, 106.265
Judicial office candidates, violations, 105.071
Political party executive committees, 106.0702
Reporting violations, 106.07, 106.0701, 106.0702, 106.0703, 106.0705, 106.19, 106.29, 106.36
Generally, 106.25, 106.265
Rebates, ineligibility to receive, 106.087
Certificate of election, denial, or rescission, 106.18, 106.21
Criminal activities
Campaign treasurers, 106.07, 106.0703, 106.19, 106.29
Candidates, failure to file statement of understanding of campaign financing provisions, 106.023
Complaints containing false allegations, 106.25
Confidential investigative information, disclosing, 106.25
Electioneering communications organizations, 106.0703
Expenditure violations, 106.19
Financial reports, failure to submit, 106.18, 106.19, 106.21
Fund raisers, violations, 106.025
Generally, 106.08, 106.19
Incorrect, false, or incomplete reports; certification, 106.07, 106.0702, 106.0703, 106.29
Political party executive committees, 106.0702, 106.29
Speaking at political meetings, paying for privilege of, 106.15
Surplus campaign funds, failure to dispose of, 106.141
Witnesses before Elections Commission, false swearing, 106.26
Expenditure violations, 106.087, 106.19, 106.353, 106.36
False allegations with intent to injure reputation, 106.265
Generally, 106.19, 106.265
Public funding for statewide office, violations, 106.353, 106.36
Removal of candidate from ballot and disqualification, 106.18
Unopposed candidates, funds disposal or retention, 106.141
Withdrawal of candidate, funds disposal, 106.141
CANDIDATES
Advisory opinions, Division of Elections, 106.23
Campaign expenses, reimbursement for, 106.021
Campaign financing provisions, filing of statement of understanding, 106.023

Campaign fund raisers, 106.025
Change of office sought, 106.021
Complaints against, 104.271, 104.2715
Contest of election by unsuccessful candidate, 102.168
Deadline for qualifying, 99.061
Death, 99.092, 100.111
Defeated candidates, return of contributions, 106.08
Definitions, 97.021, 105.011, 106.011
Delegates to national convention, 103.101
Designation of office sought, 106.021
Disclosures
Financial interests, 99.061, 99.063, 105.031
Disqualification, 100.111, 106.18
Donations to political parties or religious, charitable, or civic groups, 106.08
Election Code pamphlets, distribution, 97.025
Endorsements
Joint endorsements, 106.021, 106.087
Judicial office candidates, 105.09
News media, 106.143
Political advertisements, 106.021, 106.143
Political party executive committees, 103.121
Unlawful acts; penalties, 103.121, 105.09, 106.143
False or malicious charges by opponents, complaint procedures, 104.271
False representations of military service, 104.2715
Federal office candidates, 99.012, 99.021, 99.061, 99.095, 101.6952
Gifts in memory of deceased persons, 106.08
Gubernatorial, 99.063, 101.6952, 106.0701
Independent (no party affiliation) candidates
Absent uniformed services voters or overseas voters, vote-by-mail ballot designation, 101.6952
Apportionment year, signature requirements, 99.09651
Ballots, placing names on, 99.0955, 101.151, 101.2512, 103.021
Generally, 99.0955
Petitioning for qualification, 99.0955, 103.021
Presidential elections, 103.021
Qualification, 99.021, 99.061
Qualifying fees, 99.0955
Judicial office
Ballot format, 105.041
Campaign contributions and expenses, 105.071, 105.08
Conflicting statutory provisions, 105.10
Definitions, 105.011
Endorsement or support by political party, 105.09
Ethics violations; reporting outstanding fines, fees, or penalties, 105.031
Nonpartisan office, 105.011
Oaths, 105.031
Party affiliation, 105.011, 105.041, 105.071
Petition for qualification, 105.035
Political activity by candidates, limitation, 105.071
Political party or organization activity on behalf of, 105.09
Qualifying dates and fees, 105.031, 105.035
Write-in candidates, 105.031, 105.041
Lieutenant Governor, 99.063, 100.111, 101.6952, 106.0701
Living expenses, defrayal from campaign funds, 106.1405
Loans by candidates, reimbursement, 106.11
Minor party candidates
Apportionment year, signature requirements, 99.09651
Ballots, placing names on, 101.151, 101.2512, 103.021
Generally, 99.096
Petitioning for qualification, 99.096, 103.021, 104.185
Presidential elections, 103.021
Qualifying fees, 99.096
Name or nickname on ballot, 99.0215
National convention delegates, 103.101
Nomination
Certification, 99.121
Contesting, 102.168
County commissioners, 100.081
County executive committees, endorsements, or recommendations, 103.121
President, 103.101
Presidential electors, 103.021, 103.091
Primary elections, 100.061
Special primary elections, 100.102, 100.111
Vacancies in nomination or office, 100.101, 100.111, 100.141
Nonpartisan candidates, placing names on ballots, 101.2512
Oaths
Form of oath, 99.021, 105.031
Generally, 99.021
Judicial office, 105.031
Presidential and Vice Presidential write-in candidates, 103.022
Qualifying for nomination or election, 99.021, 99.097, 105.031

School board candidates, 105.031
Officeholders, resign-to-run requirement, 99.012
Opposition by party committees, 103.091
Party assessments
Amount, 99.092, 103.121
Distribution, 103.121
Exemptions, 99.061, 99.095
Payment, 99.061, 99.092
Refund, 106.087
Remission to party executive committees, 99.103, 100.111, 103.121
Vacancy in nomination or office, filling, 100.111
Write-in candidates, 99.061
Petitioning for qualification
Apportionment year, signature requirements, 99.09651
Campaign depositories, designation and filing of name and address, 106.021
Campaign treasurer, appointment, 106.021
Contesting signatures verification, 99.097
Dates, 99.061, 100.111, 105.035
Fraud, investigation, and prosecution, 97.012
Generally, 99.095
Groups or districts, candidates in, 99.095, 101.254, 105.035, 106.021
Independent (no party affiliation) candidates, 99.0955, 103.021
Judicial office, 105.031, 105.035
Minor party candidates, 99.096, 103.021
School board candidates, 105.035
Signatures verification, 99.095, 99.097, 106.141
Signing more than once, 104.185
Special district office candidates, 99.061, 99.095
Special election to fill vacancy in office, 100.111
Vacancy in office, 100.111, 100.141
Political meetings, paying for speaking privilege, 106.15
Political party contributions, 106.08
Poll watchers, designation, 101.131
Polls and surveys, 106.17
President and Vice President, 101.6952, 103.021, 103.022, 103.101
Presidential electors, 103.021, 103.091
Public employees, 99.012
Qualifying fees
Amount, 99.092, 99.093, 105.031
Disposition, 99.061, 99.092, 99.093, 99.103
Election assessments, 99.061, 99.092, 99.093, 105.031
Exemptions, 99.095
Filing fee, 99.061, 99.092, 105.031
Independent (no party affiliation) candidates, 99.0955
Judicial office, 105.031
Minor party candidates, 99.096
Municipal elections, 99.093
Party assessments, 99.061, 99.092
Payment, 99.061, 99.092
Refund, 99.092, 106.087
School board candidates, 105.031
Signature verification fees, 99.097, 106.141
State executive committees, remission to, 99.061, 99.103
Vacancy in nomination or office, filling, 100.111
Write-in candidates, 99.061
Qualifying for nomination or election
Campaign depositories, designation, 106.021
Campaign treasurer, appointment, 106.021
Dates, 99.061, 100.111, 101.75, 105.031, 105.035
Federal office candidates, 99.021, 99.061, 99.095
Generally, 99.061
Independent (no party affiliation) candidates, 99.021, 99.061, 99.0955
Judicial office, 105.031, 105.035
Minor party candidates, 99.096
National convention delegates, 103.101
Noncompliance with campaign financing law, not disqualifying candidate, 106.19
Nonpartisan candidates, 105.031
Oath, 99.021, 99.097, 105.031
Office of candidacy, designation, 106.021
Political party office, 103.091
Restrictions, 99.012
Review of qualifying papers, 99.061
School board candidates, 105.031, 105.035
Special district office candidates, 99.061, 99.095
Vacancies in nomination, 100.111, 106.18
Vacancies in office, 100.111
Write-in candidates, 99.021, 99.061, 103.022, 105.031
Removal, 100.111
Resign-to-run requirement, public officers, 99.012
School board, 105.031, 105.035, 105.041, 105.051, 105.08
Social media; deplatforming, shadow banning, or post-prioritization, 106.072
Solicitation of charitable contributions, 106.08

State, county, municipal, or district employees and officers; using services during working hours, 106.15
State-owned aircraft and vehicles, use, 106.15
Surplus campaign funds, disposition, 106.141
Telephone solicitation, 106.147
Text message solicitation, 106.147
Travel on private aircraft, valuation for campaign financing purposes, 106.055
Unlawful acts; penalties
Communications media, unauthorized remuneration, 104.071
Contributions to charitable or civic organizations, 106.08
Gubernatorial candidates, failure to designate running mate, 99.063
Judicial office candidates, 105.071, 105.09
Military service, false representations, 104.2715
News media, unauthorized payments, or gifts to, 104.071
Opposing candidates, false or malicious charges of election violations against, 104.271
Other candidates, unauthorized remuneration, 104.071
Petitions, signature violations, 104.185
Political meetings, paying for speaking privilege, 106.15
Poll-taking or publishing concerns, advocating, or opposing candidate for pay, 104.071
Promises to appoint or secure appointment for another, 104.071
State, county, municipal, or district officers or employees; using services to further candidacy, 106.15
State-owned aircraft and vehicles, unauthorized use, 106.15
Support by persons or organizations, unauthorized representation of, 106.143
Unopposed candidates, 101.151, 101.252, 106.08
Voting systems and automatic tabulating equipment, preelection inspection and testing, 101.5612
Withdrawal, 99.092, 100.111, 106.08, 106.141
Write-in candidates
Judicial office, 105.031, 105.041
Oath, requirement, 99.021
Political advertisements, 106.143
President and Vice President, 103.022
Qualification, 99.021, 99.061, 103.022, 105.031
Qualifying fees, 99.061
School board candidates, 105.031, 105.041
Voting procedure, 101.5608, 104.19
CAREER SERVICE SYSTEM
Exempt positions
Elections Commission, executive director, and attorneys, 106.24
CERTIFICATES
Elections
Certificates of results, 102.071, 102.121, 102.151
CHARITABLE CONTRIBUTIONS
State officers or candidates, acceptance of contributions on behalf of charitable organizations, 106.0701
CHARITABLE INSTITUTIONS
Candidate surplus campaign funds, donation to, 106.141
CHECKS
Candidates for office, payment of filing fees, 99.061, 105.031
Political campaign contributions, 106.09, 106.35
CHIEF FINANCIAL OFFICER
Campaign financing, 106.32, 106.33, 106.34, 106.35
Candidate petition signature verification, reimbursement of supervisor of elections for fees waived, 99.097
Election, 100.041
Membership on
Political party state executive committee, 103.091
Term of office, 100.041
CIRCUIT COURT JUDGES
Campaign financing, limitation on contributions, 106.08
Chief judge
Appointments
County canvassing board, substitute members, 102.141
Recall of municipal or charter county officers, calling special election to fill vacancies, 100.361
Election contests, powers, 102.168
Merit selection and retention, local option, 101.161, 105.036, 105.102
CIRCUIT COURTS
Appellate review
Voter registration ineligibility determination, 98.0755
CITIZENSHIP
Third-party voter registration organization personnel, 97.0575
Voters, 97.041, 97.052, 98.075, 98.093

CIVIL ACTIONS
Campaign financing violations, 106.25, 106.27, 106.28
Constitutional amendments or revisions proposed by joint resolutions, challenges, 101.161
Political party county executive committee members, wrongful removal, 103.141
Voter registration, 97.012, 97.023, 97.0575
CIVIL RIGHTS
Felons
Restoration of rights
Voting rights, 97.052, 98.0751
Voting rights, 104.0515
CLEMENCY
Executive Clemency, Board of, 98.075
Notice to Department of State for voter registration purposes, 98.093
Offender Review, Commission on, 98.093
CLERKS OF CIRCUIT COURTS
Election, 98.093, 100.041
Reports
Voters; information on persons convicted of felony, adjudicated mentally incapacitated, or responding to jury notices, 98.093
Terms of office, 100.041
Voter registration, list maintenance duties, 98.075, 98.093
COERCION OR DURESS
Elections, interference with voter, 104.061
Public officers and employees, political pressure, 104.31, 110.233
Voting rights, interference with, 104.0515, 104.061
COLLEGES AND UNIVERSITIES (INDEPENDENT)
Students
Voter registration, 97.052, 97.0583
Voter registration, 97.052, 97.0583
COMMUNITY DEVELOPMENT DISTRICTS
Election costs, payment, 100.011
COMPUTERS
State systems
Elections Commission, final orders, and agency actions database, 106.25
Elections, Division of; online voter registration, 97.0525
Voter registration, online, 97.0525
CONFIDENTIAL INFORMATION
Campaign financing information, 106.0706, 106.25
Election violation complaints and investigative information, 106.25
Vote-by-mail ballots, record of requests and delivery information, 101.62
Voter identification information, 97.0585
CONGRESS
Candidates' oath, 99.021
Political party state executive committees, at-large membership, 103.091
Representatives
General election, 99.091
New offices, election for, 99.091
Political party assessments, 103.121
Qualification for election, 99.061
Vacancy in office, 100.101, 100.111
Senators
General election, 99.081, 100.161
Political party assessments, 103.121
Qualification for election, 99.061
Temporary appointment, 100.161
Vacancy in office, 100.161
CONSPIRACY
Election Code violations, 104.091
CONSTITUTION (FLORIDA)
Amendment procedure
Elections, 101.161, 101.171
Revision commission, 101.161
Oath to uphold, 97.051
CONSTITUTION REVISION COMMISSION, 101.161
CONSTITUTION (UNITED STATES)
Oath to uphold, 97.051
Presidential electors, 103.051
CONTEMPT
Election investigations, subpoena violations, 106.23, 106.26
CONVENTIONS
Political parties, national convention delegates, 103.091, 103.101
CORRECTIONS, DEPARTMENT OF
Voter registration system maintenance, duties, 98.075, 98.093
COUNTERFEITING
Voter information cards, 104.013
COUNTIES
Campaign financing limitations or restrictions, preemption by state, 106.08
Ordinances
Charter county governing board members, terms of office commencement, 100.041
Vote-by-mail ballots, prohibition on sending ballots absent request, 101.62
COUNTY COMMISSIONERS
Appointments
Canvassing board, substitute, or alternate members, 102.141
Election, 100.041
Memberships on

Canvassing boards, 102.141
Nomination, 100.081
Recall petitions and elections (charter counties), 100.361
Term of office, 100.041
COUNTY COURT JUDGES
Campaign financing, limitation on contributions, 106.08
Canvassing board, chair, or alternate member, 102.141
Merit selection and retention, local option, 101.161, 105.036, 105.101
COUNTY FINANCES
Electioneering communications, restriction on expending for, 106.113
Political advertisements, restriction on expending for, 106.113
COUNTY OFFICERS
Candidates for another office, resignation, 99.012
Election, 100.041
Terms of office, 100.041
COURT COSTS
Voter registration ineligibility determination proceedings, 98.0755
CREDIT CARDS
Electioneering communications organization use, 106.0703
Political campaign use, 106.07, 106.0702, 106.0703, 106.11, 106.125
CRIMES
Election violations
Initiative petition violations, 104.186, 104.187
Political party officers, violations by, 103.121, 106.29
Employers, acts against employees, 104.081
Initiative petition violations, 104.186, 104.187
Political advertising violations, 106.071, 106.1439, 106.147, 106.1475
Political party officers, violations by, 103.121, 106.29
Political text message or telephone solicitation violations, 106.147, 106.1475
CRIMINAL PROSECUTION
Campaign financing violations, 106.27
Election violations, 106.27
Failure to prosecute, 106.25
Voter registration violations, 106.27
CUSTODIANS
Voting systems, 101.34, 101.341
DEATH
Candidate for office, filing fee refund, 99.092
Electors; effect on vote-by-mail ballots, early voted ballots, or mail ballot election ballots, 101.6103, 101.657, 101.68
Highway Safety and Motor Vehicles, Department of; provision of voter death information, 98.075
Social Security Administration, provision of death information, 98.075
Voter lists, removal of names, 98.045, 98.065, 98.075, 98.093
DEBIT CARDS
Campaign finance expenditures, using, 106.11
DISABILITIES, PERSONS WITH
Buildings and facilities accessibility
Polling places, 101.56063, 101.715
Poll worker training program on etiquette and sensitivity issues, 102.014
Vote-by-mail ballots, 101.65, 101.661, 101.662, 101.6923
Voter registration
Offices serving persons with disabilities, 97.021, 97.023, 97.052, 97.053, 97.058
Online registration, 97.0525
Voting assistance eligibility, notation on voter information card, 97.061
DISCLOSURE
Solicitation of contributions, 106.0701
DISCRIMINATION
Voting rights, deprivation of or interference with, 104.0515
DISTRICT COURTS OF APPEAL
Judges
Campaign financing, limitation on contributions, 106.08
DRIVER LICENSES
Address change, 97.057
Application
Voter registration information, transfer to voter registration application, 97.057
Examiners, 97.057
Motor voter law, 97.053, 97.057
Offices, voter registration, 97.053, 97.057
Renewal
Voter registration at time of renewal, 97.057
Voter identification, 97.0585
Voter registration, 97.0525, 97.053, 97.057, 97.0585, 98.045
ECONOMIC AND DEMOGRAPHIC RESEARCH, OFFICE OF
Estimating conferences, participation, 100.371
Initiative financial information statements, publication on website, 100.371
Initiative petition sponsors, official list of persons authorized to speak on behalf of, 100.371

EDUCATION FINANCE
District school fund
Electioneering communications, restriction on expending for, 106.113
Political advertisements, restriction on expending for, 106.113
EDUCATIONAL INSTITUTIONS
Voter registration, 97.052, 97.0583
ELECTION CODE
Citation, 97.011
Civil actions challenging validity, agency or officer required actions, 97.029
Definitions, 97.021
Election Crimes and Security, Office of; duties, 97.022
Municipal elections, conduct governed by, 100.3605
Pamphlet, distribution, 97.025
ELECTION CRIMES AND SECURITY, OFFICE OF, 97.022
ELECTIONS
Advisory opinions, Division of Elections, 106.23
Agriculture, Commissioner of, 100.041
Attorney General, 100.041
Ballots
Ballot box
Certificates of results, placement in, 102.071
Concealing, prohibition, 100.011
Defacing, destroying, or removing, 104.22
Opening to count ballots, 101.5614
Placement at polling places, 101.24, 101.5608
Ballot-on-demand technology, 101.151, 101.5612
Candidates' names
Arrangement, 101.151, 103.021
Certification of nominees' names, 99.121
Change of name, 99.061, 105.031
Districts or groups, placement of candidates in, 101.254
General elections, 100.051, 101.151, 101.2512, 103.021
Independent (no party affiliation) candidates, 99.0955, 101.151, 101.2512, 103.021
Judicial office candidates, 105.041
Minor party candidates, 101.151, 101.2512, 103.021
National convention delegates, 103.101
Nonpartisan candidates, 101.2512, 105.041
Political party executive committee candidates, 101.252
Presidential candidates, 103.021, 103.101
Primary elections, 99.063, 101.151, 101.252, 103.101
Removal, campaign finance violations, 106.18
Removal, resign-to-run violations, 99.012
Replacement nominee, 100.111
Unopposed candidates, 101.151, 101.252
Write-in candidates, 99.061
Changing elector's ballot, 104.21
Constitutional amendments or revisions, 100.371, 101.161
Copies, printing, or possession, 104.20
Cost of printing, 101.21
Counting, 101.5614, 101.6103
Destruction or defacing, 104.0615, 104.26
Display or exposure by elector, 104.20
Elector instructions, 101.031, 101.6103
Financial impact statements, 100.371, 101.161
Forms, 101.048, 101.151
Fraudulent ballot, voting or soliciting use, 101.5611, 101.64, 101.6921, 104.16
General elections
Candidates' names, printing on ballot, 100.051, 101.151, 103.021, 105.041
Independent (no party affiliation) candidates, 99.0955, 101.151, 103.021
Judicial office, 101.161, 105.036, 105.041
Minor party candidates, 101.151, 103.021
Nonpartisan offices, 105.041
President and Vice President, 101.151, 103.021
Unopposed candidates, 101.151
Grouping candidates for office, 101.254
Identifying marks, placing on ballots, 104.20
Initiatives, 100.371, 101.161
Instructions for obtaining and using, 101.031, 101.6103
Intermingling improper with proper ballots, 104.13
Lost, stolen, destroyed, or misdelivered, 101.43, 101.6103
Marksense ballots, 101.151, 101.5612
Minor party candidates, 101.151, 103.021
Minority languages, single-language ballot requests, 101.151
Nonpartisan offices and nonpartisan candidates, 105.041
Number required, 101.21
Paper ballots, 101.21, 101.24

President and Vice President, 101.151, 103.021, 103.022, 103.101
Primary elections
Candidates' names, printing on ballot, 101.252, 103.101
Electors, political party affiliation, 101.021
Grouping candidates for office, 101.254
Nonpartisan offices, 105.041
Presidential preference primary, 103.101
Specifications and format, 101.151
Unopposed candidates, 101.252
Printing errors or supply problems, reports, 102.141
Provisional ballots
Canvass of returns, 101.049, 101.5614, 102.141
Challenged voters, 101.048, 101.111
County of residence, change, 101.045
Disabilities, persons with, 101.048, 101.049
Free access system to determine if ballot was counted, 101.048
Generally, 101.048
Marksense ballots, printing at early voting sites, 101.151
Poll-closing time, voting after, 101.049
Precinct-level returns, 98.0981
Recounts, 102.166
Signature matching requirements, 101.048
Signature of prospective voter, person refusing to execute or file affidavit, 101.49
Signature updates for use in verifying, deadline for receipt, 98.077
Vote-by-mail ballots treated as provisional, 101.67
Voters without identification or with unverified identification numbers, 97.053, 101.043, 101.6925
Voting in person by person requesting vote-by-mail ballot, 101.69
Public measures, 101.161
Recall elections, municipalities, and charter counties, 100.361
Rejected ballots, 101.048, 101.5608
Removal from polling place, 104.20
Sample ballots, publication, and transmission, 101.20
Secret ballots, 101.041, 101.6103
Security measures for, 101.015
Specifications, content, and format, 101.151
Spoil ballots, replacement limit, 101.5608
Substitute ballots, 101.43
Test ballots, 101.5612
Translation for language minority groups, statewide ballot issues, 101.2515
Unopposed candidates, 101.151, 101.252
Unused, void, or defective ballots, 101.5614
Write-in candidates
Blank space provided for, 101.151
Casting, handwritten, 104.19
Electronic voting systems, 101.5608
Judicial office, 105.041
Name, printing on ballots, 99.061
President and Vice President, 103.022
School board candidates, 105.041
Canvass of returns
Early voting, 102.141
Electronic voting systems, 101.5614
Federal officers, 102.111, 102.121, 102.131
Generally, 102.141, 102.151
Location, 101.5614, 102.141
Mail ballot elections, 101.6103, 101.6104
Multi-county officers, 102.111
Notice requirement, 102.141
Overvotes and undervotes, 101.5614, 102.166
Preliminary returns, 102.141
Provisional ballots, 101.049, 101.5614, 102.141
Special elections, 100.111
State officers, 102.111, 102.121, 102.131
Vote-by-mail ballots, 101.5614, 101.68, 101.6925, 101.6952, 102.141
Canvassing boards (county)
Audits of voting systems, duties, 101.591
Canvass procedure, 101.5614, 101.68, 102.141
Certificate of results, 102.151
Contests of elections, indispensable party defendant, 102.168
Counting errors, correction, 102.141
Early voting, duties, 101.657, 102.141
Electronic voting systems, duties, 101.5612, 101.5614
Errors in returns, certification of corrected returns, 102.111
Filing returns, 102.112, 102.141
Mail ballot elections, duties, 101.6103, 101.6104
Membership, 102.141
Misconduct of member as grounds for contesting election, 102.168
Provisional ballots, duties, 101.043, 101.048, 101.049

Public notice requirements, 102.141
Recounts or retabulations, 101.591, 102.141, 102.166
Release of results before closing of polls, 101.5614, 101.68
Signature matching training, requirements, 97.012
Special election returns, 100.111
Unofficial returns containing counting errors, duties, 102.141
Vote-by-mail ballots, canvass procedure, 101.5614, 101.68, 102.141
Vote-by-mail ballots, review of signature in contest, 102.168
Watchers, 102.141
Certificates of election
Campaign violations, withholding or rescission, 106.18, 106.21
Contest, 102.168
Injunction to enjoin issuance, 106.27
Issuance, 102.155
Preelection reports, granting prior to filing, 106.18
Prima facie evidence of election, 102.155
Recording, 102.121
Certificates of results, 102.071, 102.121, 102.151
Chief elections officer, 97.012, 98.035
Chief Financial Officer, 100.041
Civil actions
Campaign finance violations, 106.27, 106.28
Election Code validity, challenges to, 97.029
Enforcement actions, 97.012
Initiative petition circulators, challenge to registration, 100.371
Initiative petition sponsors, civil action for failure to timely deliver petitions, 100.371
Injunction actions, 97.012, 106.27
Mandamus actions, 97.012
Petition signatures verification, contest, 99.097
Political party county executive committee members, wrongful removal, 103.141
Relief from violations, actions for, 106.25, 106.27
Clerks of circuit courts, 98.093, 100.041
Community development districts, 100.011
Complaints alleging violations, 106.25
Confidential information, 106.25
Consent agreements involving violations, 106.25
Constitutional amendments, 101.161, 101.171
Contesting election
Electronic voting systems, procedure, 102.166
Generally, 102.168
Inspection of vote-by-mail ballot materials, 101.572
Judgment of ouster, 102.1682
Legislative elections, 102.171
Petition signatures, contest of verification, 99.097
Pleadings, 102.168
Quo warranto, remedy by, 102.169
Venue, 102.1685
County commissioners
Appropriation to investigate election violations, 104.42
Canvassing board, membership, 102.141
Election and term of office, 100.041, 124.011
Election districts, approval, 103.091
Nomination, 100.081
Recall petitions and elections (charter counties), 100.361
Special elections, call by commissioners, 100.151
Voting precincts, creation, and alteration, 101.001, 101.002
County officers, 99.061, 100.041
Criminal prosecution of violations, 97.012, 106.27
Definitions
Campaign financing, 106.011
Election emergencies, 101.732
Electronic voting systems, 101.5603
Generally, 97.021
Judicial officer elections, 105.011
Voting equipment purchasing, 101.292
Early voting
Canvass of results, 102.141
Examination of equipment during, 101.5613
Generally, 101.657
Maintenance of order at voting sites, 102.031
Precinct-level returns, 98.0981
Secure ballot intake station, emptying daily, 101.69
Voting in person by person requesting vote-by-mail ballot, 101.69
Election boards
Appointment, 102.012, 102.014
Canvass of returns, 101.5614, 101.68
Maintenance of order at polls, 102.031
Members, qualifications, 102.012
Release of results before closing of polls, 101.5614, 101.68
Results, posting at polls, 102.071
Vacancies, filling, 102.014
Election Code, 97.011
Election Crimes and Security, Office of; duties, 97.022

Election emergencies
Absentee voting by overseas voters, 101.698
Change of polling place, 101.71, 101.74
Definitions, 101.732
Elections Emergency Act, 101.731
Emergency contingency plan, 101.733
Notices, 101.71, 101.733
Rescheduling election, 101.733
Returns filing deadline, determination, 102.112
Suspension or delay of elections, 101.733
Vote-by-mail ballot delivery, 101.62
Election officials
Assisting electors, 101.051, 101.655
Challenging voters, 101.048, 101.111
Clerks
Appointment, qualifications, and duties, 102.014
Certification of precinct results, 102.071
Challenged voters, duties, 101.111
Compensation, 102.021
Election boards, membership, 102.012
Identification of voters, 101.043
Oath of office, 102.012
Persons assisting electors in voting, oath, 101.051
Recruitment, 102.014
Solicitation at polling places or early voting sites, duties, 102.031
Substitute ballots, 101.43
Training, 97.012, 102.014
Voter identification, 101.49, 101.5608
Disclosure of elector's vote, 104.23
Elector signature identification, duties, 101.5608
Elector voting in person after receiving vote-by-mail ballot, duties, 101.69
Electronic voting systems, duties, 101.5610, 101.5613, 101.5614
Eligibility for appointment, 102.012
Influencing or interfering with ballot voting, 104.051
Inspection of ballots, 101.5610
Inspectors
Appointment, qualifications, and duties, 102.014
Ballots, 101.5608, 102.071
Certification of precinct results, 102.071
Challenged voters, duties, 101.111
Compensation, 102.021
Election boards, membership, 102.012
Identification of voters, 101.043
List of electors voting, 101.23
Oath of office, 102.012
Persons assisting electors in voting, oath, 101.051
Recruitment, 102.014
Training, 102.014
Voter identification, 101.49, 101.5608
Instruction to voters, provision, 101.5608, 101.5611
Maintaining order at polls, 102.031
Misconduct as grounds for election contest, 102.168
Neglect of duty or corrupt practices, 102.168, 104.051
Oath of office, 102.012
Poll opening and closing procedures, 100.011
Poll watchers, 101.111, 101.131, 104.0615, 104.29
Polling place management, 101.71
Qualifications, 102.012
Rejected ballots, duties, 101.5608
Signature of prospective voter in question, 101.49
Staffing shortages or procedural violations by employees or precinct workers, reports, 102.141
Supervised voting teams, 101.655
Training, 97.012, 102.014
Travel expenses, 102.021
Unlawful acts; penalties
Disclosing how elector votes, 104.23
Intimidation or suppression of voters, 104.0615
Neglect of duty or corrupt practices by, 104.051
Registration books, refusal by supervisor to deliver to successor, 104.32
Release of results before closing of polls, 101.5614, 101.68
Voting system custodians, prohibited activities, 101.341
Watchers while ballots are counted, refusal to allow, 104.29
Vacancy on election day, filling, 102.014
Voting system vendors, employment by, 101.341
Voting systems, 101.34, 101.341
Electors
Age, 97.041, 98.075
Assumed name, use, 104.24
Blind persons, 101.051
Bribery, menace, threat, or corrupt influence of electors, 102.168, 104.061, 104.081, 104.31

Challenge procedure, 101.111
Change of name or legal residence, 97.1031, 101.045, 101.111, 101.663
Citizenship, 97.041, 97.052, 98.075, 98.093
Contesting election, 102.168
Death, effect on ballots, 101.6103, 101.657
Disabilities, electors with, 97.061, 101.048, 101.049, 101.051
Display or exposure of ballot, 104.20
Disqualification, 97.041, 98.075
Failure to vote, registration status, 98.065
Felons, 97.041, 98.045, 98.075, 98.0751, 98.093
Freeholders, 100.241
Illiterate electors, 97.061, 101.051
Judicial elections, eligibility to vote in, 105.061
Mental incapacity, 97.041, 98.075, 98.093
Minor political parties, elector's rights, 103.095
Oath, 97.051, 101.051, 101.49, 101.64
Overseas residing citizens, notice of elections, 100.025
Qualifications, 97.041, 104.0515
Residency, 97.041, 98.075, 101.111
Right to vote, 104.0515
School board elections, eligibility to vote in, 105.061
Signature on file, updating, 98.077
Total number, certification, 106.34
Voter guides, 106.1436
Electronic voting systems
Adoption by county commissioners, 101.5604
Audits; manual, automated, or independent, 101.591
Ballots
Canvassing and counting, 101.5614
Damage or error by voter, 101.5606, 101.5608, 101.5614
Inspection before polls open, 101.5610
Instruction for use, 101.5608, 101.5611
Marksense ballots, 101.151, 101.5606, 101.56075, 101.5608, 102.141
Overvotes or undervotes, treatment, 101.5606
Provisional ballots, 101.048, 101.5614
Rejected ballots, 101.5606, 101.5608
Security requirements, 101.015
Specifications, 101.151
Spoil ballots, replacement limit, 101.5608
Tabulator, placement in, 101.5608
Touchscreen ballots, 102.141
Unused, void, or defective ballots, 101.5614
Vote-by-mail ballots, 101.5612, 101.5614, 101.68
Write-in candidates, 101.5608
Canvassing board, duties, 101.5612, 101.5614
Computer hardware, 101.015, 102.141, 102.166
Computer software, 101.015, 101.5607, 102.141, 102.166
Contest and recount procedures, 102.166
Defects in systems, disclosure, and corrective measures, 101.56065
Definitions, 101.5603
Disapproval of system use, 101.56065
Election officials, 101.5610, 101.5613, 101.5614
Electronic Voting Systems Act, 101.5601
Equipment
Approval, 101.015, 101.5604, 101.5605
Computer hardware, 101.015, 102.141, 102.166
Construction standards, 101.5606
Examination, 101.5605, 101.5613
Inspection and testing prior to election or recount, 101.5612, 102.141
Malfunctions, reports, 102.141
Instructions to voters, 101.5608, 101.5611
Investigation of defects, 101.56065
Legislative intent, 101.5602
Political party computer expert, presence at testing and vote counting, 101.5612
Polling place, 101.71
Preelection or pre-recount inspection and testing, 101.5612, 102.141
Programs and ballots used in testing, custody, 101.5612
Provisionally approved system, 101.015
Punch card type systems, prohibition, 101.56042
Purchase, procurement, and use, 101.5604
Registered agent of vendor, 101.5605
Requirement, 101.5604
Requirements for approval, 101.5606
Returns, canvass and post results, 101.5614
Review of system, 101.5607
Secret voting, 101.5606
Security guidelines, 101.015, 101.5614
Standards and certification, 101.015, 101.017, 102.166
Tabulation, 101.5604, 101.5606, 101.5612, 101.5614
Transmission of returns, 101.5614
Voting procedure, 101.5608
Write-in candidates, 101.5608

Enforcement of statutory provisions, 97.012
Expenses
Community development districts, 100.011
County and state offices, payment, 100.011
Freeholder elections, generally, 100.241
Mail ballot elections, 101.6102
Petition signature challenge, 99.097
Private funds, prohibition on use of, 97.0291
Special districts, generally, 100.011
Special election or special primary election, 100.102
Forms
Alternative formats and Internet availability, 97.026
Campaign financing requests, statewide elections, 106.33
Candidate oath, 99.021, 105.031
Change of name or legal residence of registered elector, 101.045
Declaration to secure assistance, 101.051
Elector affidavit, 101.49
Initiative petitions, 100.371
Precinct register, 98.461
Provisional ballot voter's certificate and affirmation, 101.048
Uniform ballot forms, 101.151
Vote-by-mail voter's certificate, 101.64, 101.6921
Vote-by-mail voting instructions, 101.65, 101.6923
Voter challengers, oath, 101.111
Fraud
Assumed name, use, 104.24
Contest of election, 102.168
Investigations or examinations, 97.012, 97.022
Records, fraudulent entries, 104.22
Freeholders, 100.241
General elections
Bond referendum combined with, 100.261
Cabinet officer, 100.041
Dates for holding, 100.031
Election summaries, 98.0981
Governor, 100.041
Holding, 100.031
Initiatives, 100.371
Judgment of ouster, 102.1682
Judicial office, 105.051
Legislators, 100.041
Notice, 100.021
Polls, opening and closing time, 100.011
Precinct-level results, 98.0981
President and Vice President, 103.011
State and county officers, 100.041
Tie votes, 100.181
United States Representatives, 99.091
United States Senators, 99.081
Winner, determination, 100.181
Write-in candidates, 101.151
Governor
Absent uniformed services voters or overseas voters, vote-by-mail ballot designation, 101.6952
Election and term of office, 100.041, 101.595
Election emergencies, powers, 101.733
Elections Canvassing Commission, member, 102.111
Lieutenant Governor, running jointly, 101.151
Presidential electors, duties, 103.021, 103.051, 103.061
Protested election, revocation of ousted officer's commission, 102.1682
Special elections, 100.111, 100.141
Special investigation officers, appointment, 102.091
United States Senate vacancies, calling election and temporary appointment, 100.161
Grand jury investigation, alleged violations, 104.43
House of Representatives (state), 100.041, 100.101, 100.111
Initiatives
Financial impact statements, 100.371, 101.161
Financial information statements, 100.371
Judicial selection initiatives, 101.161, 105.036
Petitions
Attorney General, submitting to, 100.371
Financial Impact Estimating Conference, submitting to, 100.371
Forms and signatures, validity, and verification, 100.371, 105.036
Judicial selection initiatives, 105.036
Paid circulators, use, 106.19
Registration of petition circulators, 100.371, 104.187
Signature verification fees, 99.097
Signatures gathered for, effect of ch. 97-13, Laws of Florida, 106.191
Sponsor as fiduciary; duties and penalties, 100.371
Violations; crimes, 104.186, 104.187
Political committee sponsors, 100.371, 105.036, 106.19
Private property, initiative activity on, 100.371
Procedure for placement on ballot, 100.371

Validity, Supreme Court advisory opinion, 100.371
Investigations, 97.012, 97.022, 101.58, 102.091, 104.42, 104.43, 106.07, 106.25
Judges
Ballots, 101.161, 105.036, 105.041
Circuit courts and county courts
Direct election or merit selection and retention, local option, 101.161, 105.036
Generally, 105.051
Initiatives for judicial selection, 105.036
Transition provisions, 105.101, 105.102
Unopposed candidates, 105.051
Conflicting statutory provisions, 105.10
Definitions, 105.011
Electors qualified to vote for judges, 105.061
General election, 105.051
Nonpartisan office, 105.011
Primary election, 105.051
Retention elections, 101.6952, 105.041, 105.051
Supreme Court justices, 105.041, 105.051
Law enforcement officers, duties, 102.031, 102.101, 104.11
Legislators, 100.041, 100.101, 100.111
Lieutenant Governor, 101.151, 101.595
National convention delegates, 103.101
Notices
Ballot, publishing, 101.20
Candidates endorsed for nomination by county executive committees, 103.121
County canvassing board meeting, public notice requirement, 102.141
Election emergencies, 101.71, 101.733
General election, 100.021
Overseas residing citizens, notice of elections, 100.025
Poll opening time, 100.011
Polling place, change, 101.71
Public officeholders, resignation to qualify for another office, 99.012
Registration, 97.073, 97.1031, 98.065, 98.0655, 98.075, 98.077
Rejection of vote-by-mail ballot as illegal, 101.68
Special election, 100.141, 100.151
Violation investigations and hearings, 106.25
Voter fraud, penalties, 101.5611
Voting equipment preparation and testing, 101.5612
Voting precincts, change, 101.001
Voting system audits, 101.591
Oaths
Administration and attestation, 101.665
Assistance to electors, persons providing, 101.051
Clerks and inspectors, 102.012
Election board members, 102.012
Elections, Division of; authority of representatives to administer, 106.23
Electors, 97.051, 101.051, 101.49, 101.64
False swearing, 104.011
Military personnel voting vote-by-mail ballots, 101.64
Overseas residing citizens voting vote-by-mail ballots, 101.64
Voter challengers, 101.111
Overseas residing citizens
Notice of elections, 100.025
Petitions, recall elections; municipalities and charter counties, 100.361
Petitions, signatures, 98.077, 99.097, 100.361, 104.185, 104.186
Poll list, 101.23, 102.071
Poll watchers, 101.111, 101.131, 104.0615, 104.29
Polling places
Accessibility, 101.56063, 101.71, 101.715
Ballot box, 100.011, 101.24, 101.5608, 104.22
Change of location, 97.071, 101.001, 101.71, 101.74
Closing procedure, 100.011
Closing time, voting after, 101.049
Constitutional amendments, availability of copies, 101.171
Distributing political or campaign material near polls, 102.031
Early voting areas or early voting sites, 101.051, 101.131, 101.151, 101.657, 101.71, 102.031
Election board preopening duties, 102.012
Emergency relocation, 101.71, 101.74
Law enforcement officers, presence, 102.031, 102.101
Location and physical accommodations, 101.71, 101.715
Maintenance of order, 102.031
Opening and closing hours, 100.011
Persons allowed to vote, 102.031
Polling procedures manual, availability, 102.014
Polling rooms, admission, and photography, 102.031
Results posted at polls, 102.071
Sample ballots, 101.20
Sign denoting location, 101.71

Site selection standards, 101.715
Soliciting votes, voters, opinions, contributions, or petition signatures at or near polls, 101.051, 102.031
Special investigations officer, presence, 102.101
Voter interface devices for persons with disabilities, accessibility, 101.56062, 101.56075
Precincts
Audits of voting systems, 101.591
Boundaries, 98.0981, 101.001
Change of legal residence, directing elector to another precinct, 101.111
Collocated precincts, 101.71, 102.012
Early voted ballots, tracking, 101.657
Early voting results, reporting, 101.657
Elections results on precinct level, compilation, 98.0981
Electors voting vote-by-mail ballots, tracking, 101.64
Geographical information system maps, 98.0981, 101.001
Municipal, boundaries, 101.002
Numbering, 101.001
Poll watchers, 101.131
Registration records
Furnishing to precincts, 102.012
Precinct registers, 97.061, 98.461, 101.043, 101.49
Return after polls close, 102.071
Statistical data compilation on precinct level, 98.0981
Preemption by state of election regulations, 97.0115
Preparation reports, 100.032
President and Vice President
Ballots, 101.151, 103.021, 103.022, 103.101
Canvass of election returns, 102.131
Change of residence to another state, effect on voting, 101.663
Date for general election, 103.011
Date for primary election, 103.101
Independent (no party affiliation) candidates, 103.021
Minor political party candidates, 103.021
National convention delegates and alternates, 103.101
Overvotes and undervotes, 101.595
Primary election, 98.0981, 101.62, 101.6952, 103.101
Resign-to-run law, exemption, 99.012
Uniformed services voters or overseas voters, vote-by-mail ballot designation, 101.6952
Vacancies in offices, special election, 100.101
Write-in candidates, 103.022
Presidential electors
Absence from meeting place, 103.061
Canvass of election returns, 102.131
Certification of election, 103.011
Date of election, 103.011
General election ballot, appearance on, 103.021
Meeting, 103.051
Minor political parties, 103.021
Nomination, 103.021, 103.091
Notice of readiness to perform duties, 103.061
Qualifications, 103.021
Refusal to vote for candidate of party, 103.021
Special election, 100.101
Travel expenses, 103.071
Vacancy, 100.101, 103.021, 103.061, 103.062
Write-in candidates, 103.022
Presidential preference primary, 98.0981, 101.62, 101.6952, 103.101
Primary elections
Ballot specifications and format, 101.151
County commissioners, nomination, 100.081
Date, 100.061
Election summaries, 98.0981
Electors, political party affiliation, 101.021
Grouping of candidates on ballot, 101.254
Gubernatorial candidates, running without Lieutenant Governor candidates, 99.063
Judicial office, 105.051
National convention delegates, congressional district level, 103.101
Polls, hours of operation, 100.011
Precinct-level results, 98.0981
Presidential preference, 98.0981, 101.62, 101.6952, 103.101
Returns, filing deadline, 102.112
School board members, 105.051
Special primary elections, 100.101, 100.102, 100.111, 100.141
Tie vote, 100.061
Time, 100.061
Unopposed candidate, 101.252
Vacancies in nomination, 100.111
Vote-by-mail ballots, 101.62
Property appraisers, 100.041
Public defenders, 100.111
Ranked-choice voting, prohibition, 101.019

Recall elections, municipalities, and charter counties, 100.361
Records
Contributions and expenses, 106.06
Elections Commission hearings, 106.26
Electronic tabulation devices, preelection testing records, 101.5612
Retention period, 98.015
Stealing, destroying, or making fraudulent entries, 104.22
Reports on preparations, 100.032
Representatives (state), 100.041, 100.101, 100.111
Resign-to-run requirement, public officers, 99.012
Results
Canvassing Commission, duties, 100.111, 100.191, 102.111, 102.121, 102.131, 102.141
Certificates, 102.071, 102.121, 102.151
Certification by county canvassing boards, 102.141, 102.151
Certification by federal and state officers, 102.121, 102.131
Count watchers, denial of privilege or interference with, 104.29
Early release, 101.6103, 101.657, 101.68
False or irregular returns, certification, 102.131
Filing deadlines, 102.112, 102.141
Fraudulent entry or alteration of record tally sheets, 104.22
Judicial nonpartisan elections, 105.051
Posting results, 101.5614, 102.071
Precinct-level results, 98.0981
Reconciliation reports, 98.0981
Recounts or retabulations, 101.591, 102.141, 102.166
Release before closing of polls, 101.5614, 101.68
State, Department of; duties, 100.351, 102.112, 102.151
Supervisor of elections, transmission by, 102.151
Tabulation of votes, 101.5614, 102.071
Vote-by-mail ballots, 101.68, 102.141
Right to vote, 104.0515
Secure ballot intake station, 101.051, 101.69, 102.031
Senators (state), 100.041, 100.101, 100.111
Sheriffs
Compensation of deputies, 102.021
Duties, generally, 102.091
Election and term of office, 100.041
Entry to polling places or polling rooms, limitation, 102.101
Maintenance of order, 102.031
Neglect of duties, 104.11
Notice of general election, posting, 100.021
Refusal to assist sheriff or deputy at polls, 104.101
Training for deputies, 102.014
Special elections
Applicable statutory provisions, 100.191
Bond issue combined with special election, 100.261
Campaign financing reports, 106.29
Canvass of returns and declaration of nominees, 100.111
County commissioners, call by, 100.151
Date, 100.101, 100.111, 100.141
Election summaries, 98.0981
Governor, call by, 100.111, 100.141
Municipal governing authority, call by, 100.151
Notice, 100.141, 100.151, 100.342
Polls, hours of operation, 100.011
Precinct-level results, 98.0981
Recall elections, municipalities, and charter counties, 100.361
Registration books, availability, 100.151
Return of results, 100.111
State reimbursement of counties, 100.102
Vacancies, filling, 100.101, 100.102, 100.111, 100.141
Special investigation officers, 102.091, 102.101
State attorneys, 100.111
State, Department of
Ballot specifications, 101.151, 103.101
Candidate filing fees, disposition, 99.103, 105.031
Candidates qualifying for election, report, 99.092
Certificates of election, recording, 102.121
Constitutional amendments or revisions, 101.161, 101.171
Deputies to examine registration and election processes, 101.58
Election Code pamphlets, distribution, 97.025
Election conduct reports, 102.141
Election summaries, 98.0981
Electronic voting systems
Approval, 101.5605, 101.5606
County voting systems, compliance review, 101.5607
Defect proceedings, 101.56065
Examination, 101.5605

Performance report, preparation, 101.595
Rulemaking authority, 101.015, 101.5608, 102.166
Software development, 101.5607
Unofficial returns containing counting errors, tabulation software verification, 102.141
Voting system information, maintenance, 101.5607
Examination of election and registration processes, deputies for, 101.58
Forms, Internet availability, 97.026
Minor political parties, duties, 103.095
Nominees, certification, 99.061, 99.121
Notice of elections, publication, 100.021, 100.141
Overvote and undervote identification and sorting hardware and software, certification, 102.166
Political party executive committee filings, 103.101, 103.121
Poll worker training program, development, 102.014
Precinct-level election results and book closing statistics, public availability, 98.0981
Premises, records, equipment, and staff of supervisor of elections; access by employees, 101.58
Presidential electors, certification, 103.011
Public officer qualifying for another office, notice of automatic resignation, 99.012
Results of election, duties, 100.351, 102.112, 102.151
Special elections, duties, 100.102, 100.111, 100.141
Statistical information, furnishing, 98.212
Uniform polling place procedures manual, duties, 102.014
Vote-by-mail ballots, alternative formats, 101.662
Voting equipment, certification for use, 101.294
Voting system performance reports, preparation, 101.595
State preemption of election regulations, 97.0115
State, Secretary of
Circuit and county court judges, selection method, 105.036
Directions and opinions to supervisors of elections, 97.012
Elections Commission Trust Fund, provision of rewards, 106.24
Generally, 97.012
Initiative petition sponsors, failure to timely deliver petitions; referral to Attorney General, 100.371
Premises, records, equipment, and staff of supervisors of elections; access, 101.58
Presidential preference primaries, 103.101
Recounts in federal, state, or multicounty races, 102.141, 102.166
Registration of petition circulators, 100.371, 104.187
Voter registration, 97.012, 97.0575, 98.035, 106.24
Statistical information, furnishing, 98.212
Supreme Court justices, 105.041, 105.051
Tax collectors, 100.041
Time limitation for filing complaints of violations, 106.25
Unlawful acts; penalties
Aiding, abetting, advising, or conspiring violations, 104.091
Ballots
Ballot boxes; defacing, destroying, or removing, 104.22
Casting more than one ballot, 101.5611, 101.64, 101.6921, 104.17, 104.18
Changing elector's ballot, 104.21
Copies prepared to be voted, printing or possessing, 104.20
Counting, refusal to allow watchers, 104.29
Defacing or destroying ballot, 104.0615, 104.26
Delaying or obstructing delivery, 104.0615
Display or exposure by elector, 104.20
Fraudulent ballot, voting or attempting to vote, 101.5611, 101.64, 101.6921, 104.16
Identifying marks, placing on ballots, 104.20
Improper ballots, placing in ballot box or intermingling with proper ballots, 104.13
Record tally sheets and returns; altering, destroying, or stealing, 104.22
Removal from polling place, 104.20
Vote-by-mail ballots, 104.0616, 104.17
Write-in ballots, casting other than in handwriting, 104.19

Challenges to right to vote, frivolous filing, 101.111
Community development districts, failure to pay election expenses, 100.011
Complaints containing false allegations, 106.25
Confidential investigative information, disclosure, 106.25
Electronic voting systems; suspension of sales or lease, civil penalties, and disapproval of use, 101.56065
False allegations with intent to injure reputation, 106.265
Generally, 104.41, 106.265
Law enforcement officers, neglect of duty, 104.11
Law enforcement officers, refusal to assist, 104.101
Mail ballot election results, early release, 101.6103
Municipal recall elections, 100.361
Oath, false swearing to, 104.011
Petitions, signature violations, 100.361, 104.185, 104.186
Political party officers, 103.121, 106.29
Poll-taking or publishing concerns, advocating, or opposing candidate for pay, 104.071
Public officers and employees, political activities, 104.31, 110.233
Results, release before closing of polls, 101.5614, 101.6103, 101.68
Soliciting votes, voters, opinions, contributions, or petition signatures at or near polling places, 101.051, 102.031
Special districts, failure to pay election expenses, 100.011
Supervisors of elections, 104.051, 104.32
Voter information card; destruction, sale, or unauthorized use, 104.013
Voting
Assistance, false declaration for, 104.031
Assisting elector in voting booth, unauthorized persons, 101.051
Assumed name, use, 104.24
Buying votes, 104.061
Carrying items into voting booth, 104.19
Casting more than one ballot, 101.5611, 101.64, 101.6921, 104.17, 104.18
Changing elector's vote, 104.21
Denial of right to vote, 104.0515, 104.0615
Disclosure of elector's vote, 104.20, 104.23
Employers, discharging or threatening to discharge employees for voting, 104.081
Fraud in casting vote, 101.5611, 101.64, 104.041, 104.16, 104.24
Freeholder elections, 100.241
Interference with free exercise of right to vote, 104.0515, 104.061, 104.0615
Selling vote, 104.045
Soliciting voters at or near polling places, 101.051, 102.031
Stickers or rubber stamps, use on ballot, 104.19
Threats to influence voter, 104.061, 104.0615, 104.081, 104.31
Unqualified elector, voting by, 104.15
Vote-by-mail and in-person ballots by same elector, 104.17
Write-in ballot in other than handwriting, 104.19
Voting booths or compartments; defacing, destroying, or removal, 104.26
Voting equipment or voting systems, 101.295, 101.341, 104.30
Vacancies in office
Elective offices not filled by appointment, 100.111
Legislature, 100.101, 100.111
Presidential electors, 100.101, 103.021, 103.061, 103.062
Recall elections, municipalities, and charter counties, 100.361
Special elections, 100.101, 100.102, 100.111, 100.141
U.S. House of Representatives, 100.101, 100.111
U.S. Senate, 100.161
Vote-by-mail ballots
Assistance in casting ballot, 101.051, 101.655, 101.661, 104.047
Assisted living facility residents, 101.655, 104.0616
Cancellation, elector voting in person, 101.69
Canvass of ballots, 101.5614, 101.68, 101.6925, 101.6952, 102.141
Challenge, 101.6104, 101.68
Change of residence to another state, 101.663
Count reporting, 102.072
Cure affidavit, 101.048, 101.68
Custody of marked ballot envelopes, 101.67, 101.68
Deadline, 101.67
Death of elector, effect, 101.6103, 101.68

Delivery of ballots, 101.62, 101.64, 101.6921, 104.0616
Denial of right to vote with, 104.0515
Disabilities, persons with, 101.65, 101.661, 101.662, 101.6923
Duplicate ballots, 101.5614, 102.166
Electronic voting systems, 101.5612, 101.5614, 101.68
Envelopes, 101.6103, 101.64, 101.6921, 101.694
Federal postcard application, 101.694
Federal write-in vote-by-mail ballots, 101.5614, 101.6952, 102.166
Forms, alternative formats, 97.026
Identification or certification, voters failing to provide, 101.6921, 101.6923, 101.6925
Inspection of ballot materials by public, candidates, political committee officials, or political party officials, 101.572
Instructions, form, 101.65, 101.6923
Mail ballot elections, applicability to, 101.6105
Mailing error reports, 102.141
Mailing or transmission of ballots, 101.6103, 101.62, 101.694, 101.6952, 101.697
Marksense vote-by-mail ballots, 101.151
Nursing home residents, supervised voting, 101.655, 104.0616
Observer objections, 101.5614
Overseas residing citizens
Electronic transmission of vote-by mail ballot requests and vote-by-mail ballots, 101.62, 101.6952, 101.697
Emergency situations, absentee voting in, 101.698
Mail ballot elections, 101.6103
Mailing date of ballot, 101.6952
Mailing of ballots, 101.62
Oath in lieu of voter's certificate, 101.64
Requests for vote-by-mail ballots, 101.62, 101.6952, 101.697
Responsible office, 97.012
Vote-by-mail envelopes, 101.694
Voter's instructions, 101.65, 101.6923
Write-in vote-by-mail ballots, 101.6951, 101.6952
Overvoted or undervoted races, treatment, 101.5614
Physical return of, 101.69
Possession of multiple ballots, 104.0616
Precinct-level returns, 98.0981
Precincts of vote-by-mail electors, tracking, 101.64
Receipt by supervisor, deadline, 101.6103, 101.67
Rejection of ballots, 101.68, 101.69
Requests for ballots, 101.62, 101.6951, 101.697, 104.0616
Secure ballot intake station, 101.051, 101.69, 102.031
Segregation of ballots where eligibility has not been determined, 101.67
Signature comparisons, 101.68, 102.168
Signature updates for use in verifying, deadline for receipt, 98.077
Solicitation of voters where vote-by-mail ballots are requested, 102.031
Uniformed services voters, 97.012, 101.62, 101.64, 101.694, 101.6952
Uploading results on day before election, 102.141
Voter's certificate, 101.572, 101.64, 101.68, 101.6921
Voting in person after casting, 101.69, 104.17
Voting vote-by-mail ballots, 101.661
Write-in vote-by-mail ballots, 101.5614, 101.6951, 101.6952, 102.166
Voter guides, 106.1436
Voting
Assistance, 97.061, 101.051, 101.655, 104.031
Buying votes, 104.061
Carrying mechanical devices, memoranda, or papers into voting booth, 104.19
Casting more than one ballot
Notice of prohibition to vote-by-mail voters, 101.64, 101.6921
Notice of prohibition to voters, 101.5611
Notice to elections supervisor when multiple vote-by-mail ballots are submitted, 101.6952
Prohibition, generally, 104.18
Voting in person and by vote-by-mail ballot, 104.17
Challenging voters, 101.048, 101.111, 104.0615
Changing elector's vote, 104.21
Deprivation of voting rights, 104.0515
Disabilities, persons with
Provisional ballots, 101.048, 101.049
Voting assistance, 101.051, 101.715
Voting systems, devices, and accessibility
Accessibility standards, 101.56062, 101.715
Federal funding, eligibility, 101.56063, 101.56064

Touchscreen systems, testing, 101.5612
Voting methods, 101.56075
Disclosure of elector's vote, 104.23
District, 101.045
Educational programs, 98.255
Employers, discharging or threatening to discharge employees for voting, 104.081
Fraud
Assumed name, use, 104.24
Criminal prosecution of violations, 97.012
Election fraud education, 97.012
Fraudulent ballot, voting, 104.16
Investigations, 97.012
Notice to voters, 101.5611, 101.64
Penalties, 101.5611, 101.64, 104.041, 104.16, 104.24
Reward for information leading to conviction, 106.24
State, Secretary of; duties, 97.012
Vote-by-mail ballots, 101.64, 101.6921
Voter fraud hotline, 97.012, 97.022
Freeholder, 100.241
Help America Vote Act of 2002, procedures on complaints of violations, 97.028
History of voting, 98.0981
Identification of electors
Confidentiality of identifying information, 97.0585
Early voting, 101.657
Generally, 101.043
Mail-registered first-time voters, 97.052, 97.0535
Signature of voter, 97.0585, 101.043, 101.49
Vote-by-mail voters, 101.6925
Instructions to elector, 101.031, 101.048, 101.6103
Interference with voting, 101.71, 104.0515, 104.061, 104.0615
Legal residence change, procedure, 101.045, 101.111, 101.663
Marksense ballots, use of marking devices, 101.56075
Name change, procedure, 101.045
Overvotes and undervotes, 101.5606, 101.5614, 101.595, 102.166
Poll list of electors, 101.23, 102.071
Poll watchers, 101.131
Precincts, 101.045
Provisional ballots, 101.045, 101.048, 101.69
Restoration of voting rights, 97.052
Right to vote, 104.0515
Secret vote, 101.041, 101.5606
Selling votes, 104.045
Signature identification, 101.5608
Soliciting votes near polls, 102.031
Stickers or rubber stamps, use in casting ballot, 104.19
Supervision, 101.58
Threats to influence voter, use, 104.061, 104.0615, 104.081, 104.31
Time polls open and close, 100.011
Turnout data, live, 98.0981
Uniformed services personnel
Late registration, 97.0555
Oaths, administration, 101.665
Recruitment offices, voter registration, 97.012, 97.023, 97.052, 97.053
Vote-by-mail voting, 97.012, 101.62, 101.64, 101.694, 101.6952
Unqualified elector, voting by, 104.15
Vote-by-mail voting, 101.661
Voter Protection Act, 104.0615
Write-in candidates, 101.5608, 104.19
Voting booths, 101.051, 101.51, 101.71, 104.19, 104.26
Voting systems and equipment
Acquisition, 101.293, 101.294, 101.295
Audits, 101.5911
Custodians, 101.34, 101.341
Definitions, 101.292
Disabilities, persons with; voting systems and accessibility, 101.56062, 101.56075
Election officials, 101.34, 101.341
Inspection and testing, 101.5612, 101.58, 102.141
Keys, 104.30
Malfunctions, reports, 102.141
Possession, unauthorized, 104.30
Purchase, use, and sale standards, 101.293, 101.294
Standards and certification, 101.017, 101.294
Tampering, 104.30
Uncertified voting systems, 101.294, 101.295
Vendors, 101.294, 101.295, 101.341
Witnesses, election violations, 104.39
ELECTIONS CANVASSING COMMISSION
Certifying election results, 102.111, 102.121
Contests of elections, indispensable party defendant, 102.168
Deadline for filing returns, setting, 102.112
False or irregular returns, duties, 102.131
Membership, 102.111
Recounts, duties, 102.141
Rulemaking authority, 101.698

Special election returns, 100.111, 100.191
ELECTIONS COMMISSION
Budget, 106.24
Campaign financing contributions denial, appeal, 106.35
Campaign financing violations, duties, 106.07, 106.0702, 106.0703, 106.25, 106.26, 106.265, 106.29
Campaign treasurers' accounts, inspection, 106.06
Complaints, 104.271, 104.2715, 106.25
Confidentiality of complaints and proceedings, waiver, 106.25
Consent orders, 106.25
Creation, 106.24
Election violations, duties, 106.25, 106.26, 106.265
Executive director, 106.24, 106.25
Final orders and agency actions database, maintenance, 106.25
Hearings
Campaign financing violations, 106.07, 106.0702, 106.0703, 106.25, 106.26, 106.29
Election violations, 106.25, 106.26
False or malicious charges against opponents, 104.271
False representation of military service by candidates, expedited hearings, 104.2715
Single commissioner or partial panel, hearings before, 106.24
Voter registration violations, 106.25, 106.26
Jurisdiction, 106.165, 106.25
Meetings, 106.24
Membership, 106.24
Oaths, authority to administer, 106.26
Penalties, assessment, 104.2715, 106.26, 106.265
Powers and duties, 106.25, 106.26
Quorum and voting, 106.24
Rulemaking authority, 104.271, 104.2715, 106.24, 106.26
Service of process and orders, 106.26
Staff, 106.24
Subpoena power, 106.26
Trust Fund, 99.092, 99.093, 105.031, 106.24
Voter registration violations, duties, 106.25, 106.26, 106.265
ELECTIONS, DIVISION OF
Campaign depository records, inspection, 106.07, 106.0703
Campaign financing, powers, and duties; generally, 106.22, 106.23, 106.33, 106.35
Campaign reports, electronic filing system, 106.0705
Campaign treasurers' accounts, inspection, 106.06
Candidate petitions for qualification, duties, 99.095
Conduct of election reports, review, 102.141
Elections Canvassing Commission, staff services for, 102.111
Initiative petition circulators and forms, database, 100.371
Initiative petition duties, 100.371
Investigations, 106.23
Judicial office candidates, duties, 105.031, 105.035
Oaths, authority to administer, 106.23
Poll watcher forms, duties, 101.131
Poll worker training curriculum, development, 102.014
Registered voters, certification of total number, 106.34
Rulemaking authority
Audits, independent, 101.591
Campaign financing, 106.35
Campaign reports, electronic filing, 106.0705
Elections emergency contingency plan, 101.733
Generally, 106.22
Initiative petitions, integrity of petition process and signatures, 100.371
Political committees or electioneering communications organizations, dissolution, 106.03
Political parties and minor political parties, filings cancellation, 103.095
Third-party voter registration organizations, 97.0575
Voting equipment, 101.294
School board candidates, duties, 105.035
Subpoena power, 106.23
Telephone solicitor registered agent forms, duties, 106.1475
Third-party voter registration organizations, duties, 97.0575
Turnout data dashboard, real-time; duties, 98.0981
Voter registration applications or changes, acceptance, 97.053
Voter registration system, online; duties, 97.0525
Voting equipment purchase, use, and sale; duties, 101.293, 101.294
Voting Systems Certification, Bureau of, 101.017
Voting systems, duties, 101.015
ELECTIONS, SUPERVISORS OF
Ballots
Box, duty to furnish, 101.24, 101.5608
Box, sealing and delivery to counting location, 101.5614

Candidates' names, placement, 101.2512
Illegal vote-by-mail ballots, notice to electors, 101.68
Inspection of ballots and ballot materials, duties, 101.572, 119.07
Mail ballot elections, duties, 101.6103
Printing, 100.051, 101.21
Provisional ballots, duties, 101.048, 101.049
Sample ballot, publishing and transmitting, 101.20
Secure ballot intake stations, duties, 101.69
Vote-by-mail ballots, duties, 101.62, 101.64, 101.68, 101.6921, 101.6925, 101.6952, 101.697, 102.072, 102.141
Candidate filing fees, duties, 105.031
Candidate list, submission to Department of State, 99.092
Certificates of election, issuance, 102.155
Challenging voters, duties, 101.111
Community development district elections, duties, 100.011
Compensation
Payment by county, 98.015
Conduct of election reports, 102.141
Constitutional amendments, availability at polling location, 101.171
County canvassing boards, members, 102.141
County voting system filings, duties, 102.141
Delivery of registration books to successor, refusal, 104.32
Deputy supervisors, 98.015, 101.5614, 101.665, 101.68
Duties, generally, 98.015
Early voting, duties, 101.657, 102.141
Election, 98.015
Election boards, appointment, 102.012, 102.014
Election clerks, inspectors, and deputy sheriffs; training and certification, 102.014
Election Code pamphlets, distribution, 97.025
Election districts, provision, 103.091
Election preparation report on website, 100.032
Electronic voting systems, defect proceedings, 101.56065
Electronic voting systems, use of provisionally approved system, 101.015
Expenses of election, prohibition on use of private funds, 97.0291
Geographical information system maps, 98.0981, 101.001
Independent (no party affiliation) candidates, duties, 99.0955
Influencing or interfering with ballot voting, 104.051
Initiative petition forms; contents, availability, and provision to Division of Elections, 100.371
Initiative petitions, duties, 100.371, 105.036
Judicial office candidates, duties, 105.035
Mail ballot elections, duties, 101.6102, 101.6103
Mail-registered voters, notification of identification requirements, 97.0535
Malfunction or error reports, 102.141
Materials retention or destruction, 101.545
Municipal elections, duties, 101.002
Nominees, certification from Department of State, 99.121
Oath, 98.015
Oaths, authority to administer, 101.665
Office hours, 98.015
Overvotes and undervotes, reports, 101.595
Petition signatures, verification, 99.095, 99.097, 103.021, 105.035
Petitions, retention period, 99.097
Poll watchers, 101.131
Pollworker recruitment and training, duties, 102.014
Precinct boundary changes, 101.001
Precinct collocation duties, 101.71, 102.012
Precinct-level results, response to questions concerning, 98.0981
Recall petitions in municipalities and charter counties, signature verification, 100.361
Reconciliation reports, 98.0981
Results, release before closing of polls, 101.5614, 101.68
Results, transmission, 102.151
School board elections, duties, 105.035
Seal, 98.015
Security procedures, 101.015
Signature matching training requirements for, 97.012
Solicitation at polling places or early voting sites, duties, 102.031
Special district elections, duties, 100.011
Special elections, notice, 100.141, 100.151
State, Secretary of; directions and opinions from, 97.012
Statistical information, furnishing, 98.212
Supervised voting for assisted living facility and nursing home residents, duties, 101.655
Third-party voter registration organizations, duties, 97.0575
Uniform polling place procedures manual, availability to precincts, 102.014
Unlawful acts; penalties
Interfering with or influencing voter, 104.051

Release of election results before closing of polls, 101.5614, 101.68
Secure ballot intake station violations, 101.69
Voter registration records, refusal to deliver to successor, 104.32
Voter educational programs, duties, 98.255
Voter turnout data, reporting live, 98.0981
Voter's Bill of Rights and Responsibilities, posting at each polling place, 101.031
Voting equipment testing, notices, 101.5612
Voting systems, custodian, 101.34
Write-in voting, duties, 101.5608
ELECTRONIC MAIL
Elections, sample ballots, 101.20
Elections, vote-by-mail ballot requests for uniformed services voters and overseas voters, 101.62, 101.6952
EMERGENCIES
Voting equipment purchases, 101.293
EMERGENCY MANAGEMENT
Definitions, 101.732
Governor
Elections; suspension, delay, or rescheduling, 101.733
ESTIMATING CONFERENCES
Financial Impact Estimating Conference, 100.371, 101.161
ETHICS IN GOVERNMENT
Candidates for public office
Financial interests, disclosure, 99.061, 99.063, 105.031
Outstanding fines, fees, and penalties for ethics violation; disclosure, 99.021, 105.031
Disclosure
Electronic filing, 99.061
Financial interests, generally, 99.061
EVIDENCE
Bond referenda results, 100.291
Presumptions
Vote-by-mail ballots from absent uniformed services voters and overseas voters, date of mailing, 101.6952
Voter registration, 97.0575
FACSIMILE TRANSMISSIONS (FAX)
Vote-by-mail ballots and ballot requests for uniformed services voters and overseas voters, 101.62, 101.697
FALSE PERSONATION
Elector, 104.24
FEDERAL COURTS
Felony convictions, notice to Department of State, 98.093
FEDERAL FUNDS
Voting systems and polling place accessibility for persons with disabilities, state eligibility for, 101.56063, 101.56064
FELONS
Financial obligations, effect on restoration of voting rights, 98.0751
Public office, recall in municipalities and charter counties, 100.361
Voting
Disqualification, 97.041
Registration application, felons with civil rights restored, 97.052
Registration system, removal of name from, 98.045, 98.075, 98.0751, 98.093
Restoration of voting rights, 97.052, 98.0751
Termination of ineligibility and restoration of voting rights, 98.0751, 948.041
Third-party voter registration organizations, employment of felons, 97.0575
FIDUCIARIES
Initiative petition sponsors as, 100.371
FINANCIAL IMPACT ESTIMATING CONFERENCE
Initiatives, financial impact statements, financial information statements, and budget impact statements, 100.371, 101.161
FINES AND PENALTIES
Candidates, 104.271, 104.2715
Political committees, 106.265
Social media platforms, deplatforming candidates for office, 106.072
Third-party voter registration organizations, 97.0575
FISH AND WILDLIFE CONSERVATION COMMISSION
Voter registration duties, 97.05831, 379.352
FLORIDA COLLEGE SYSTEM INSTITUTIONS
Students
Voter registration, 97.052, 97.0583
Voter registration, 97.052, 97.0583
FORGERY
Voter information cards, 104.013
FRAUD
Candidates, 97.012
Voter registration, 97.012, 97.052, 104.42, 106.24
FREEHOLDERS
Elections, generally, 100.241
GENERAL REVENUE FUND
Deposits
Campaign financing violation penalties, 106.08, 106.19, 106.265
Candidates
False or malicious charge, penalties, 104.271

False representations of military service, penalties, 104.2715
Filing fees, 99.0955, 99.103, 106.087
Reporting violations, fines, 106.07
Surplus campaign funds, 106.141
Electioneering communications organizations, fines, 106.0703
Political committees, fines, 106.07
Political party affiliated committees, fines, or withheld funds, 106.088, 106.29
Political party candidate assessments, 106.087
Political party executive committees, fines, 106.0702, 106.29
GIFTS
Political candidates; donations to political parties or religious, charitable, or civic groups, 106.08
Voting, influencing with gifts, 104.061
GOVERNOR
Appointments
Elections Canvassing Commission, 102.111
Elections Commission, 106.24
Political party state executive committee, at-large members, 103.091
Presidential electors, 103.021
Special investigation officers, 102.091
United States Senate, temporary appointment, 100.161
Voter registration or removal complaint dispute mediators, 97.023
Campaign financing, limitation on contributions, 106.08
Campaign financing, state funds, 106.32, 106.33, 106.34, 106.35
Contributions solicited for certain charitable organizations, reporting requirements, 106.0701
Election, 100.041, 101.595
Emergency powers
Election emergencies, 101.733
Gubernatorial candidates, 99.063, 101.6952, 106.0701
Membership on
Elections Canvassing Commission, 102.111
Political party state executive committee, 103.091
Presidential electors, nomination, 103.021
Term of office, 100.041
Vacancies in public offices
Election to fill, calling, 100.111, 100.141, 100.161
GOVERNOR, EXECUTIVE OFFICE OF
Estimating conferences, participation, 100.371
GRAND JURIES
Elections, special investigations, 104.43
GUARDIANS
Vote-by-mail ballots, requests for, 101.62
HEALTH, DEPARTMENT OF
Deceased voters, list compilation, 98.093
Voter registration system maintenance, provision of death information, 98.075, 98.093
Voters (deceased), list compilation, 98.093
HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF
Records
Voter registration information and declinations, 97.057
Voter registration, 97.023, 97.052, 97.057, 98.075
Voter registration system, information identifying voters moving to another state and non-U.S. citizens, 98.093
HOLIDAYS AND OBSERVANCES
Voter registration, 97.055
IDENTIFICATION CARDS
Voter registration, generally, 97.0525, 97.053, 97.057, 98.045
Voters, confidentiality of identification numbers, 97.0585
IMMUNITY
Voter challengers, 101.111
INCOME
Financial disclosure; candidates, public officers, and public employees, 99.061
INCOMPETENT OR INCAPACITATED PERSONS
Legal disabilities
Voting or registering to vote, disqualification, 97.041, 98.045, 98.093
Voter registration, 97.052, 98.045, 98.065, 98.075, 98.093
INDIGENT AND LOW-INCOME PERSONS
Voter registration ineligibility determination appeals, waiver of court costs, 98.0755
INFORMATION TECHNOLOGY SERVICES MANAGEMENT
Cybersecurity
Voter registration system, 97.0525
INJUNCTIONS
Campaign financing, 106.27
Elections, 97.012, 106.27
Initiative petition circulators, failure to register, 100.371
Initiative petition sponsors, civil action for failure to timely deliver petitions, 100.371
Voter registration, 97.012, 97.023, 97.0575, 106.27
Voting violations, enforcement of hearing officer orders, 97.028

INTEREST AND INTEREST RATES
Community development districts, failure to pay election expenses; interest penalty, 100.011
Special districts, failure to pay election expenses; interest penalty, 100.011
INTERSTATE COMPACTS
Voter registration, sharing information with nongovernmental entity, 98.075
INVESTIGATORS
Election Crimes and Security, Office of, 97.022
JAILS
Prisoners
Vote-by-mail ballots, mailing to, 101.62
JUDGMENTS
Election contest, ouster, 102.1682
JURISDICTION
Elections Commission, 106.165, 106.25
Legislative election contests, 102.171
Voter registration or removal complaints, 97.023
LABOR AND EMPLOYMENT
Discharge from employment
Voting, 104.081
Voting, employer coercion, 104.081
LAW ENFORCEMENT, DEPARTMENT OF
Special investigation officers, 102.091, 102.101
Voter registration system maintenance, furnishing names of felons, 98.075, 98.093
LAW ENFORCEMENT OFFICERS
Political candidates, resign-to-run requirement, 99.012
Polling places, entry into, 102.101
LEGAL AFFAIRS, DEPARTMENT OF
Election complaints, false allegations; actions to recover costs and fees, 106.265
LEGISLATURE
Appointments
Political party state executive committee, at-large members, 103.091
Apportionment
Candidates seeking ballot position in apportionment year, signature requirements, 99.09651
Candidates for legislative office, contributions solicited for certain charitable organizations; reporting duties, 106.0701
Candidates for legislative office, limitation on campaign contributions, 106.08
Constitution of Florida
Amendment or revision, 101.161
House of Representatives
Estimating conferences, participation, 100.371
Majority leader, leadership funds, 106.295
Minority leader, 103.091, 103.092, 106.24, 106.295
Speaker
Affiliated party committee, duties, 103.092
Election Code, civil actions challenging validity; notice of proposed resolution, 97.029
Elections Commission, nomination of members, 106.24
Leadership funds, 106.295
Political party state executive committee, at-large member, 103.091
Members
Contributions solicited for certain charitable organizations, reporting duties, 106.0701
Election, 100.041, 100.101, 100.111, 102.171
Political party executive committees, at-large membership, 103.091
Term of office, 100.041
Vacancy in office, 100.111
Resolutions
Constitutional amendment or revision, 101.161
Joint resolutions, 101.161
Senate
Confirmation of appointments
Elections Commission, 106.24
Estimating conferences, participation, 100.371
Majority leader, leadership funds, 106.295
Minority leader, 103.091, 103.092, 106.24, 106.295
President
Affiliated party committee, duties, 103.092
Election Code, civil actions challenging validity; notice of proposed resolution, 97.029
Elections Commission, nomination of members, 106.24
Leadership funds, 106.295
Political party state executive committee, at-large member, 103.091
LIBRARIES
Voter registration agency status and duties, 97.021, 97.023, 97.052, 97.053, 97.058
LIEUTENANT GOVERNOR
Campaign financing, limitation on contributions, 106.08
Campaign financing, state funds, 106.33, 106.34
Candidates for office, 99.063, 100.111, 101.6952, 106.0701

Contributions solicited for certain charitable organizations, reporting duties, 106.0701
Election, 101.151, 101.595
Political party state executive committee, member, 103.091
LIMITATION OF ACTIONS
Constitutional amendments or revisions proposed by joint resolutions, challenges, 101.161
Criminal prosecutions
Campaign finance violations, 106.28
Elections
Bond referendum, testing validity, 100.321
Campaign finance violations, 106.25, 106.28
Contesting election, generally, 102.168
Election Code violation complaints, 106.25
Voter registration violation complaints, 106.25
LOANS
Election campaign financing, 106.07, 106.0702, 106.0703, 106.075, 106.11
LOBBYISTS
Elections Commission, membership restrictions, 106.24
LOCAL GOVERNMENTS
Campaign financing regulations, preemption by state, 106.07, 106.08
Election-related expenses, prohibition on use of private funds, 97.0291
Elections, statistical information, 98.212
Funds
Electioneering communications, restrictions on expenditure, 106.113
Political advertisements, restriction on expending for, 106.113
Ordinances
Candidates and officers, electronic filing of reports, 106.07
Preemption by state
Ranked-choice voting, 101.019
Voter registration records, duties, 98.093
LOCAL OPTION
Circuit court judges, direct election or merit selection and retention, 101.161, 105.036
County court judges, direct election or merit selection and retention, 101.161, 105.036
MAGAZINES
Advertisements intended to influence public policy or vote of public official, sponsorship designation, 106.1437
Political advertising, rates, and charges, 106.16
MAIL
Voter registration by mail, 97.052, 97.0535
MALFEASANCE AND MISFEASANCE
Public officers and employees, generally
Municipal officers, 100.361
MANDAMUS
Election laws, enforcement, 97.012
Voting violations, enforcement of hearing officer orders, 97.028
MARRIED PERSONS
Vote-by-mail ballot request by spouse, 101.62
MEDIATION
Mediators
Voter registration disputes, 97.023
Voter registration or removal complaints, 97.023
Voting violation proceedings, 97.028
MILITARY PERSONNEL
Candidates for office, false representation of service; penalty, 104.2715
Oaths, administration, 101.665
Recruitment offices, voter registration, 97.012, 97.023, 97.052, 97.053
Reservists
Candidates for office, false representation of service; penalty, 104.2715
MINORITY GROUPS
Voting rights, deprivation, or interference with, 104.0515
MINORS
Voting, preregistration for, 97.041, 97.0585
MOTOR VEHICLES
State vehicles
Candidates for public office, use of vehicles, 106.15
Charges for use of vehicles, 106.15
Limitation on use of vehicles, 106.15
MOTOR VOTER LAW, 97.053, 97.057
MUNICIPALITIES
Annexation or contraction
Mail ballot elections, 101.6102
Referenda, 101.6102
Campaign financing limitations or restrictions, preemption by state, 106.08
Elections
Annexation or contraction, 101.6102
Ballot printing costs, 101.21
Candidates, qualifying fees, 99.093
Conduct, governing, 97.0115, 100.3605
Dates, change of, 100.3605, 101.75
Early voting, 101.657
Election Code, conduct governed by, 100.3605
Permanent single registration system, 97.105, 101.002
Precinct boundaries, 101.001, 101.002
Recall, governing body members, 100.361
Registered persons with no permanent address, voting, 101.045

Special elections, call, 100.151
Vote-by-mail ballots, prohibition on sending ballots absent request, 101.62
Employees
Political candidates, resignation from employment, 99.012
Finances
Electioneering communications, restriction on expending for, 106.113
Political advertisements, restriction on expending for, 106.113
Governing bodies
Recall petitions and elections, 100.361
Officers
Candidates for another office, resignation, 99.012
Terms of office, 101.75
Ordinances
Elections, 100.3605, 101.75
Political advertising, restrictions on, 106.1435
NAMES
Candidates, name, or nickname on ballot, 99.0215
Fictitious or false names
Candidate petitions, signing with fictitious name, 104.185
Elections, fraudulently assuming name, 104.24
Recall petitions, signing with fictitious name, 100.361
Political parties, use restrictions, 103.081
NATIONAL GUARD
Candidates for office, false representation of service; penalty, 104.2715
Unlawful acts; penalties
Candidates for office, false representation of service, 104.2715
Civil penalties, 104.2715
NEWSPAPERS
Elections
Ballot, publishing, 101.20
Candidate support or opposition, remuneration, 104.071
Electronic tabulating equipment testing, notice, 101.5612
Emergencies, rescheduled elections, 101.733
General election, notice, 100.021
Polling place, change, 101.71
Referenda, notice, 100.342
Special election, notice, 100.141, 100.342
Vote-by-mail ballots, notice of canvass of returns, 102.141
Emergencies, public service messages, 101.733
Political advertising, rates, and charges, 106.16
NONRESIDENTS
Campaign contributions from, 106.08, 106.33, 106.35
Voter registration system maintenance, non-United States citizenship status, 98.093
NURSING HOME ADMINISTRATORS
Supervised voting for residents, request for, 101.655
NURSING HOMES
Residents
Vote-by-mail electors, 101.655, 104.0616
OATHS
Authority to administer
Deputy supervisors of elections, 101.665
Elections Commission, 106.26
Elections, supervisors of, 101.665
Military officers, 101.665
Public officers and employees, 101.665
Voting violation hearing officers, 97.028
Public officers and employees, generally
Authority to administer, generally, 101.665
Vacancy in office, nominees, and appointees, 100.111
OFFENDER REVIEW, COMMISSION ON
Clemency, 98.093
Voter registration system maintenance, provision of clemency information, 98.093
OUTDOOR ADVERTISING
Exemptions from statutory provisions, 106.1435
Local government regulation
Political signs, 106.1435
Political signs, 106.1435, 106.1437
Public policy or vote of official, advertisements intended to influence; sponsorship designation, 106.1437
Removal
Political signs, 106.1435
PARKING AND PARKING FACILITIES
Disabilities, persons with
Election polling places, 101.715
PERJURY
Elections, false swearing to oath, 104.011
PHOTOGRAPHS
Polling rooms or early voting areas, prohibition, 102.031
PLANNING (STATE)
Elections emergency contingency plan, 101.733
Financial Impact Estimating Conference, 100.371, 101.161
PLEADINGS
Constitutional amendments or revisions proposed by joint resolutions, challenges, 101.161
Election contest, 102.168

Voter registration or removal violations, complaints, 97.023
POLITICAL ADVERTISEMENTS
Affiliated party committees, 106.143
Campaign fund raisers, 106.025
Candidate approval, 106.143
Candidates; purchasing from political parties or religious, charitable, or civic groups, 106.08
Content, 106.143
Definitions, 106.011
Disclaimers, 106.071, 106.143, 106.1439
Distribution near polling places, 102.031
Electioneering communications, 106.011, 106.071, 106.113, 106.1436, 106.1439, 106.147, 106.1475
Endorsements, 106.021, 106.143
In-kind contributions, 106.143
Independent expenditures for, 106.011, 106.071
Independent (no party affiliation) candidates, 106.143
Internet advertisements, 106.143
Language other than English, 106.143
Nonincumbent candidates, 106.143
Nonpartisan offices, 106.143
Party name or symbol, use, 103.081, 106.143
Petty cash funds, purchases from, 106.12
Political committees, 106.143
Political parties, 106.143
Public funds, restrictions on expenditure or acceptance, 106.113
Public policy or vote of public official, advertisements intended to influence; sponsorship designation, 106.1437
Rates and charges, limitation, 106.16, 106.161
Removal, 106.1435
Required statements, 106.071, 106.143, 106.1439, 106.147
Signs, displaying, 106.1435, 479.16
Telephone calls, 106.147, 106.1475
Televised broadcasts, closed captioning, and descriptive narrative requirements, 106.165
Text messages, 106.147, 106.1475
"Thank you" advertisements, 106.11
Unlawful acts; penalties
Civil penalties, 106.265
Criminal penalties, 106.071, 106.1436, 106.1439, 106.147, 106.1475
Distribution near polling places, 102.031
Independent expenditure violations, 106.071
Rates and charges, excessive, 106.16
Required contents, failure to include, 106.071, 106.143, 106.1439
Televised broadcasts, violations, 106.165
Text message or telephone solicitation violations, 106.147, 106.1475
Voter guide violations, 106.1436
Voter guides, 106.1436
Write-in candidates, 106.143
POLITICAL COMMITTEES
Accounting records, 106.06
Advisory opinions, Division of Elections, 106.23
Campaign depositories, 106.021, 106.05, 106.07, 106.11
Campaign treasurer, appointment, 106.021
Civil actions involving, 106.27
Constitutional amendment initiative petition sponsors, 100.371, 106.19
Contesting verification of signatures on candidate's petition for qualification, 99.097
Contributions
Affiliated organizations, receipt, and transfer by, 106.08
Campaign treasurer, receipt through, 106.021
Deposit procedure, 106.05
Legislative intent, 106.31
Limitations, 106.08, 106.19
National depository, deposit in, 106.021, 106.07
Registered agent requirement, 106.022
Reports, 106.07, 106.0705, 106.08, 106.19
Definitions, 106.011
Deputy campaign treasurers, 106.021
Disbanding, notice, 106.03
Expenditures
Campaign treasurer, making through, 106.021
Checks, 106.11
Credit card purchases, 106.07, 106.11, 106.125
Debit cards, 106.11
Donations to religious, charitable, or civic organizations, 106.08
Independent expenditures, 106.011, 106.087
Joint endorsements of candidates, advertising expenditures, 106.021
Petty cash funds, 106.12
Public utility services, 106.14
Registered agent requirement, 106.022
Reports, 106.07
Unauthorized expenditures, 106.19
Financial reports, content, and filing, 106.07, 106.08, 106.19
Gifts in memory of deceased persons, 106.08
Injunctions, 106.27
Judicial selection initiative sponsors, 105.036
Petty cash funds, 106.11, 106.12
Political advertisements, 106.143

Poll watchers, designation, 101.131
Polls and surveys, conducting, 106.17
Registered agent and registered office, 106.022
Registration, 106.03
Statement of organization, content, and filing, 106.03
Telephone solicitation, 106.147
Television broadcasts, closed captioning, and descriptive narrative requirements, 106.165
Text message solicitation, 106.147
Unlawful acts; penalties, 106.265
Vote-by-mail ballot materials, inspection by officials, 101.572
POLITICAL PARTIES
Advisory opinions, Division of Elections, 106.23
Affiliated party committees
Advisory opinions, Division of Elections, 106.23
Campaign financing reporting provisions, applicability, 103.092
Candidate surplus campaign funds, distribution, 106.141
Civil actions, 106.27
Contributions, 106.011, 106.08, 106.29
Donations to religious, civic, or charitable organizations, 106.08
Duties, generally, 103.092
Establishment, 103.092
Expenditures, 106.011, 106.021, 106.29
Gifts in memory of deceased persons, 106.08
Injunctions, 106.27
Leaders, 103.092, 106.0705, 106.088, 106.29
Name, abbreviation, or symbol of political party; use, 103.081
Party assessments, receipt, 103.121, 106.088
Political advertisements, 106.143
Polls and surveys, 106.17
Reports, 106.0705, 106.08, 106.29
Telephone solicitation, 106.147
Television broadcasts, closed captioning, and descriptive narrative requirements, 106.165
Text message solicitation, 106.147
Treasurers, 103.092, 106.0705, 106.088, 106.29
Unlawful acts; penalties, 106.08, 106.088, 106.165, 106.265, 106.29
Candidate contributions or purchases, 106.08
Candidate qualifying fees, remission, 99.061, 99.103
Candidate surplus campaign funds, distribution, 106.141
Civil actions, 106.27
Constitution and bylaws, 103.091, 103.121
Contesting verification of signatures on candidate's petition for qualification, 99.097
Contributions received, reporting, 106.08, 106.29
County executive committees
At-large members, 103.091
Audits, 103.121
Campaign contributions, limitation, 106.08, 106.087, 106.29, 106.33
Campaign finance reports, 106.0702, 106.08, 106.29
Contributions received, reporting, 106.08, 106.29
District unit of representation, 103.091
Election, 101.252, 103.091
Endorsement or recommendation of candidates for nomination, 103.121
Establishment, 103.091
Expenditures, 106.011, 106.0702, 106.087
False or incomplete campaign finance reports, certification, 106.29
Filing requirements, 103.091
Gifts in memory of deceased persons, 106.08
Membership, 103.091
Misuse of funds by chair or treasurer, 103.121
Organizational meetings, 103.091
Poll watchers, designation by chair, 101.131
Polls, conducting, 106.17
Powers and duties, generally, 103.121
Removal of members, 103.141
Term of office, 103.091
Vacancies in nomination to elective office, filling, 100.111
Vacancies on committees, filling, 103.091, 103.131
Election boards, membership, 102.012
Election statistical information, access to, 98.212
Electronic voting systems, testing and vote-counting representatives, 101.5612
Expenditures, 106.011, 106.08, 106.29
Financial records, 103.121
Fund raisers, 106.025
In-kind contributions, limitations, 106.08
Injunctions, 106.27
Joint endorsements of candidates, advertising expenditures, 106.021
Judicial candidates, endorsement, or support, 105.09
Leadership funds, 106.295
Minor parties, formation, 103.095
Name or abbreviation, use restrictions, 103.081
Names of associated groups or committees, filing, 103.081

National committees, 103.091, 106.011, 106.08, 106.29
National convention delegates, election, 103.091, 103.101
Political advertisements, 106.143
Poll watchers, designation, 101.131
Polls and surveys, 106.17
Presidential electors, nomination, 103.021, 103.091
Presidential preference primary, 103.101
Primary elections, voting, 101.021
Rulemaking authority, 103.091, 103.101
State executive committees
At-large members, 103.091
Audits, 103.121
Campaign contributions, limitation, 106.08, 106.087, 106.29, 106.33
Campaign finance reports, 106.0702, 106.0705, 106.08, 106.29
Chair, 103.081
Elections, 101.252, 103.091
Endorsement or recommendation of candidates for nomination, 103.121
Expenditures, 106.011, 106.0702, 106.087
False or incomplete campaign finance reports, certification, 106.29
Filing requirements, 103.091
Gifts in memory of deceased persons, 106.08
Governing bodies, membership, 103.091
Membership, 103.091
Minor parties, 103.095
Misuse of funds by chair or treasurer, 103.121
National convention delegates, selection, 103.101
Organizational meetings, 103.091
Party name or symbol use, authorization, 103.081
Polls, conducting, 106.17
Powers and duties, generally, 103.121
Presidential electors, duties, 103.021
Requirement, 103.091
Rulemaking authority, 103.101, 103.121
Terms of office, 103.091
Vacancies, events creating, 103.131
Vacancies in nomination to elective office, filling, 100.111
Voting, 103.091
Supervised voting teams, representation on, 101.655
Symbols, use restrictions, 103.081
Television broadcasts, closed captioning, and descriptive narrative requirements, 106.165
Unlawful acts; penalties, 103.121, 106.087, 106.088, 106.165, 106.29
Vacancies in nominations to elective offices, filling, 100.111
Vacancies in party offices, 103.091, 103.131
Vote-by-mail ballot materials, inspection by officials, 101.572
Voter guides, 106.1436
Voting systems and equipment, preelection inspection and testing, 101.5612
PRINTING
Voter registration application forms, 97.052
Voting ballots, 101.21
PROPERTY APPRAISERS
Election, 100.041
PROSECUTIONS
Failure to prosecute, 106.25
PUBLIC DEFENDERS
Election, 100.111
PUBLIC EMPLOYEES
Political activities
Candidacy for office, 99.012
Coercion or influence, 104.31
Judicial office candidates, 105.071
Participation restrictions, 104.31
Services to candidates during working hours, 106.15
Unlawful acts; penalties, 104.31
PUBLIC MEETINGS
Exemptions from open government provisions
Campaign finances, investigatory proceedings, 106.25
Election violation investigatory proceedings, 106.25
Voter registration, investigatory proceedings, 106.25
Financial Impact Estimating Conference, 100.371
PUBLIC OFFICERS
Campaign fund raisers, candidates for office, 106.025
Candidates for another office, resignation, 99.012
Candidates for office, qualification, 99.061, 99.063, 105.031
Office accounts, transfer of surplus campaign funds to, 106.141
Services to candidates during working hours, 106.15
Suspension and removal
Deputy supervisors of elections, 98.015
Travel expenses, 106.141
PUBLIC RECORDS
Campaign finance reports, 106.07, 106.0703
Campaign finance violation proceedings, 106.25

Election violation proceedings, 106.25
Electioneering communications organization reports, 106.0703
Exemptions from disclosure
Campaign finance reports, 106.0706, 106.25
Election violation complaints and investigative reports, 106.25
Vote-by-mail ballots, record of requests and delivery information, 101.62
Voter or voter registration information, 97.0585, 98.045, 98.075, 106.25
Voting systems software, 101.5607
Voter registration, 106.25
Voting systems software, 101.5607
PUBLISHING AND PUBLICATIONS
Uniform polling place procedures manual, 102.014
QUO WARRANTO
Election contest, 102.169
RADIO
Advertisements intended to influence public policy or vote of official, sponsor designation statement, 106.1437
Emergencies, public service messages, 101.733
Political advertising, 106.1437, 106.16, 106.161
RECALL
Municipal and charter county elections, 100.361
RECORDS MANAGEMENT (LOCAL GOVERNMENTS)
Elections, supervisors of, 98.045
Voter registration information, 98.081, 98.461
RECORDS MANAGEMENT (STATE)
Highway Safety and Motor Vehicles, Department of, 97.057
REFERENDA
Ballot, 101.161
Bond issues
Applicable statutory provisions, 100.221
Approval of issuance, 100.281
Ballot format, 100.341
Calling, 100.211
Canvass of returns, 100.271
Contesting, 100.321
Costs, 100.201, 100.261
Defeat, waiting period before new election, 100.331
Evidence of result, 100.291
Failure to achieve majority vote, 100.281
Holding with other elections, 100.261
Inspectors and clerks, 100.271
Municipalities, generally, 100.311
Notice, 100.211
Polling place, 100.221
Recording results, 100.271, 100.291
Refunding bonds, 100.301
Requirement, generally, 100.201
Resolution ordering, 100.211
Returns, canvassing and recording, 100.271
Validity, contesting, 100.321
Charter county governing board members, terms of office commencement, 100.041
Constitutional amendment or revision, 101.161
Contesting, 102.168, 102.1682, 102.1685
County commissioners, 100.041
Freeholders, 100.241
Judicial selection initiatives, 101.161
Legislatively mandated election, certification of results, 100.351
Mail ballot elections
Applicability of election laws, generally, 101.6106
Canvass of returns, 101.6103, 101.6104
Challenge, defect on voter's certificate, 101.6104
Costs, 101.6102
Limitations, 101.6102
Mail Ballot Election Act, 101.6101
Procedure, generally, 101.6103
Vote-by-mail laws, applicability to, 101.6105
Voter's certificate, 101.6103, 101.6104
Municipal annexation or contraction, 101.6102
Notices, 100.342
Special or local laws, 100.351
Telephone solicitation, ballot proposals, 106.147
Text message solicitation, ballot proposals, 106.147
REFUNDING BONDS
Election for issuance approval, 100.301
RELATIVES
Vote-by-mail ballots, requests for, 101.62
REPORTS TO GOVERNOR
Election conduct reports, 102.141
Election Crimes and Security, Office of; investigations of election law violations or election irregularities, 97.022
Voter registration, nongovernmental entity for sharing information, 98.075
Voting system audit and performance reports, 101.595
REPORTS TO LEGISLATURE
Election conduct reports, 102.141
Election Crimes and Security, Office of; investigations of election law violations or election irregularities, 97.022
Election summaries, 98.0981
Voter registration, nongovernmental entity for sharing information, 98.075

Voting system audit and performance reports, 101.595
RESIDENCY REQUIREMENTS
Electors, 97.041, 98.075, 101.111
Political party county executive committees, 103.091
Voter registration, 97.041, 98.045, 98.075
REWARDS
Information leading to arrest and conviction
Voter registration or voter fraud, 106.24
ROADS AND HIGHWAYS
Rights-of-way
Political signs, 106.1435
SCHOOL BOARDS
Candidates for election, 105.031, 105.035, 105.041, 105.051, 105.08
Terms of office, 100.041
SCHOOL DISTRICTS
Elections
Bond elections
Holding with other elections, 100.261
School board members
Candidates, 105.031, 105.035, 105.041, 105.051, 105.08
Electors qualified to vote, 105.061
Generally, 100.041
Unopposed candidates, 105.051
Superintendents, 100.041
SCHOOL SUPERINTENDENTS
Election, 100.041
Term of office, 100.041
SCHOOLS (PUBLIC)
Juvenile offenders
Civil citation or prearrest diversion programs, 106.07
SEALS
Elections, supervisors of, 98.015
SERVICE OF PROCESS
Agents
Political telephone solicitors, 106.1475
Election contest complaints, 102.168
Elections Commission subpoenas and orders, 106.26
Sheriffs
Elections Commission subpoenas or orders, 106.26
SETTLEMENTS
Campaign financing violation complaints, consent agreements, 106.25
Election Code, civil actions challenging validity; notice of proposed settlement, 97.029
Election violation complaints, consent agreements, 106.25
SHERIFFS
Deputies
Candidates for office of sheriff, resign-to-run, 99.012
Election official duties and responsibilities, training, 102.014
Election of sheriffs, 100.041
Legal notices, publication, 100.021
Term of office, 100.041
SHORT TITLES
Election Campaign Financing Act, 106.30
Election Code, 97.011
Elections Emergency Act, 101.731
Electronic Voting Systems Act, 101.5601
Mail Ballot Election Act, 101.6101
Voter Protection Act, 104.0615
Voter Registration Act, 97.032
SIGNATURES
Initiative petitions, 100.371
Voters or voter registration applicants, 97.052, 97.055, 97.0585, 98.077, 101.49
SOCIAL MEDIA
Candidates for office; deplatforming, shadow banning or post-prioritization, 106.072
Censorship, shadow bans, and deplatforming, 106.072
Unlawful acts; penalties, 106.072
SOCIAL SECURITY
Numbers
Voter registration, 97.052, 97.053, 97.057, 97.0585, 98.045
Voters, confidentiality, 97.0585
Social Security Administration, provision of death information, 98.075
SOCIAL SERVICES
Voter registration at offices providing public assistance, 97.021, 97.023, 97.052, 97.053, 97.058
SOLICITATION
Campaign contributions, 102.031, 106.15
Constitutional amendment initiative petition signatures, paid petition circulators, 106.191
Contributions
Campaign contributions, 102.031, 106.15
Political candidates, charitable contributions, 106.08
State officers or candidates, solicitations by, 106.0701
Political text message or telephone solicitation, 106.147, 106.1475
Polling places, solicitation at, 102.031
Voter registrations for compensation, 104.012

Voters at or near polling places or early voting sites, 101.051, 102.031
SPECIAL DISTRICTS
Elections
Candidate qualifications, 99.061, 99.095
Early voting, 101.657
Payment of costs, 100.011
Employees and officers
Candidate for another office, resignation, 99.012
STATE AGENCIES
Election-related expenses, prohibition on use of private funds, 97.0291
Vote-by-mail ballots, prohibition on sending ballots absent request, 101.62
Voter registration records, duties, 98.093
STATE ATTORNEYS
Campaign finance violations, duties, 106.25
Election, 100.111
Election violations, duties, 106.25
Voter registration violations, duties, 106.25
STATE CONTRACTS
Voter registration, 97.058
STATE, DEPARTMENT OF
Constitutional amendments or revisions proposed by joint resolutions, duties, 101.161
Election Crimes and Security, Office of, 97.022
Official records
Electronic voting system vendors, registered agents, 101.5605
Initiative petition financial impact statements, 100.371
Minor political parties, 103.095
Political party executive committee rules, 103.101
Rulemaking authority
Elections
Absent uniformed services voters and vote-by-mail ballot delivery on day of election, 101.62
Ballots, 101.151, 101.62
Candidate qualifications, 99.061
County voting system filings, 102.141
Electronic or electromechanical voting systems, 101.015, 101.5608, 102.166
Fraud complaints, 97.012
Initiatives, 100.371
Interpretation and implementation of elections laws, uniform standards, 97.012
Judicial selection initiatives, 105.036
Mail ballot elections, 101.6107
Overseas voters, 101.62, 101.697
Petitions, verification of signatures, 99.097
Polling places, accessibility for persons with disabilities, 101.715
Precinct-level results and book closing statistics, 98.0981
Recounts, 102.141, 102.166
Uniform polling place procedures manual, 102.014
Vote-by-mail ballots, 101.62, 101.6951, 102.166
Voter education programs, 98.255
Voting history information, 98.0981
Voting systems, audit procedures, 101.5911
Voter registration, 97.012, 97.052, 98.035, 98.045, 98.075
STATE EMPLOYEES
Political candidates, resignation from employment, 99.012
Selected Exempt Service
Elections Commission attorneys, 106.24
Senior Management Service
Elections Commission, executive director, 106.24
STATE FUNDS
Election campaign financing, 106.32, 106.33, 106.34, 106.35
STATE OFFICERS
Candidates for another office, resign-to-run, 99.012
STATE, SECRETARY OF
Appointments
Election Crimes and Security, Office of; director, 97.022
Constitutional amendments or revisions proposed by joint resolutions, duties, 101.161
Initiative financial information statements, publication on website, 100.371
Initiatives, duties, 100.371, 101.161
Rulemaking authority, 100.371, 105.036
Voter registration, duties, 97.012, 97.0575, 98.035
Voter registration, membership on nongovernmental entity for sharing information, 98.075
STATE UNIVERSITIES
Students
Voter registration, 97.052, 97.0583
Voter registration, 97.052, 97.0583
STATEWIDE PROSECUTOR
Election irregularities or fraud, prosecution, 97.012

SUBPOENAS
Elections Commission, 106.26
Elections, Division of, 106.23
Voting violation hearing officers, 97.028
SUPERSEDEAS
Voter registration ineligibility determination appeals, 98.0755
SUPREME COURT
Advisory opinions, 100.371
Decisions and opinions
Advisory opinions, 100.371
Initiative petitions, review, 100.371
Justices
Campaign financing, limitation on contributions, 106.08
Retention election, 105.041, 105.051
TAX COLLECTORS
Election, 100.041
Terms of office, 100.041
TAXATION
Taxation and Budget Reform Commission, 101.161
TAXATION AND BUDGET REFORM COMMISSION, 101.161
TELEPHONES
Electioneering communications calls, 106.147, 106.1475
Solicitation
Political campaigns, 106.147, 106.1475
Toll-free numbers and hotlines
Voter fraud hotline, 97.012, 97.022
Voter registration services, 97.058
TELEVISION
Advertisements intended to influence public policy or vote of public official, sponsor designation statement, 106.1437
Emergencies, public service messages, 101.733
Political advertising, 106.16, 106.161, 106.165
TEXT MESSAGES
Political solicitation, 106.147, 106.1475
THEFT
Election records, ballot boxes, or returns, 104.22
THREATS
Employer's threats to control votes of employees, 104.081
Voter registration, interference with or influencing, 104.012
Voters, influencing, 104.061, 104.0615, 104.081, 104.31
Voting rights, interference with, 104.0515, 104.061, 104.0615
TRAVEL EXPENSES
Candidates for statewide office, credit card use, 106.125
Elected officers, payment from surplus campaign funds, 106.141
Political committees, credit card use, 106.125
TRUST FUNDS (PUBLIC)
Elections Commission Trust Fund, 99.092, 99.093, 105.031, 106.24
UNITED STATES
Election Assistance Commission voter registration application form, acceptance, 97.052
Help America Vote Act of 2002, 97.028
U.S. attorneys, 98.075, 98.093
VACANCY IN OFFICE
Congress, members of, 100.101, 100.111
County officers, generally, 100.361
Legislators, 100.101, 100.111
Municipal officers
Malfeasance or misfeasance, removal for, 100.361
Recall elections, 100.361
Presidential electors, 100.101, 103.021, 103.061, 103.062
Resignation to qualify for another office, 99.012, 100.111
United States Senators, 100.161
VENUE
Campaign finance violations, 106.26, 106.27
Election contests, 102.1685
Election proceedings, 97.012, 106.27
Voter registration proceedings, 97.012, 106.27
VETERANS
Political candidates, false representation of veteran status, 104.2715
Voter registration date, recently discharged service personnel, 97.0555
VISUALLY IMPAIRED PERSONS
Vote-by-mail ballots for blind persons, assistance in casting, 101.65, 101.661, 101.6923
Voting assistance, 101.051
Voting systems and voter interface devices, 101.56062
VITAL STATISTICS
Voters, notice of death, 98.093
VOTER REGISTRATION
Absentee registration, 101.665
Address confirmation requests, 98.065, 98.0655
Administration of statutory provisions, 97.012, 98.045
Age requirement, 97.041, 98.045, 98.075
Applications
Acceptance, 97.052, 97.053, 97.055
Altering another person's application without consent, 97.0575, 104.012
Approval, 97.073

Change of name or legal residence, 97.1031, 101.045
Denial, 97.073, 98.045
Disposition, 97.073
Electors removed from registration system, retention, 98.081
Federal law, compliance with, 97.012
Federal postcard application, 97.052, 101.694
Fish and Wildlife Conservation Commission and subagents, duties, 97.05831
Highway Safety and Motor Vehicles, Department of; duties, 97.057
Identification information on applicants, confidentiality, 97.0585
Incomplete applications, 97.052, 97.058, 97.073, 98.045
Microfilming, 98.081, 98.461
Oath as part of, 97.052, 97.053
Online applications, 97.0525
Processing, 98.045
Signature matching training, requirements for, 97.012
Signature updates, 98.077
Third-party voter registration organizations, alterations to applications made without consent, 97.0575
Uniform statewide application, 97.052, 97.057, 97.058
Verification of applicant information, 97.0525, 97.053
Voter registration agencies, powers, and duties, 97.058
Automated processing, 98.081, 98.461
Change of name or legal residence
Address change and confirmation notices, 98.065, 98.0655
Application for, acceptance, 97.053, 97.055
County of residence, change, 101.045
Forms, 101.045
Highway Safety and Motor Vehicles, Department of; authority, 97.057
Notices, 97.1031, 98.065, 98.0655
Registration list maintenance, 98.065, 98.0655, 98.075
Statewide registration application, use for, 97.052
Temporary residence outside of county, 101.045
Voter information cards, 97.071, 97.1031
Citizenship, 97.041, 97.052, 98.075
Civil actions, 97.012, 97.023, 106.25, 106.27
Complaints of violations, 97.023, 97.058, 106.25
Confidential information
Complaints of violations and investigative information, 106.25
Declining to register, 97.052, 97.057, 97.058, 97.0585
Driver license or identification card numbers, 97.0585
Nongovernmental entity, sharing information with, 98.075
Registration list maintenance programs and activities information, 98.045
Registration office location, 97.052, 97.057, 97.058, 97.0585
Signatures, 97.0585
Social security numbers, 97.0585
Unauthorized disclosure, 106.25
Criminal prosecution of violations, 97.012, 106.27
Date of registration, 97.053, 97.0575
Deceased persons, 98.045, 98.065, 98.075, 98.093, 101.68
Declining to register, 97.052, 97.057, 97.058, 97.0585
Disqualification, 97.041, 98.045
Driver licenses, 97.0525, 97.053, 97.057, 97.0585, 98.045
Duplicate or multiple registrations, 98.075
Educational institutions, services at, 97.052, 97.0583
Elections Commission investigations and hearings, alleged violations, 106.25, 106.26
Eligibility of applicants, 98.045
Enforcement of statutory provisions, 97.012, 97.0575
False swearing, 97.052, 97.053, 104.011
Federal law, compliance with, 97.012, 97.057, 97.058, 98.015, 98.035, 98.065, 98.075
Felons, 97.041, 97.052, 98.045, 98.075, 98.0751, 98.093
Fictitious persons, 98.045, 98.075
Forms
Alternative formats and Internet availability, 97.026
Precinct register, 98.461
Printing, 97.052
Registration, 97.012, 97.052
Registration list maintenance, 98.0655
Third-party voter registration organizations, 97.0575
Voter registration agencies, 97.058
Fraud, 97.012, 97.052, 104.42, 106.24
Freeholder, determination of status, 100.241
Help America Vote Act of 2002, procedures on complaints of violations, 97.028

Identification cards, 97.0525, 97.053, 97.057, 98.045
Illiterate persons requiring voting assistance, 97.061
Inactive status, 98.065, 98.0655
Incompetent or incapacitated persons, 97.052, 98.045, 98.065, 98.075, 98.093
Ineligible persons, 98.045, 98.075, 98.0751
Information maintained on electronic or other media, 98.081, 98.461
Injunctions, 97.012, 97.023, 106.27
Inspection of records, 98.045
Interference with registration, 97.057, 97.058, 104.012, 104.0615
Investigations, 97.012, 104.42, 106.25
Late registration, 97.0555
Mail registration, first-time voters, 97.052, 97.0535
Mandamus actions, enforcement of laws, 97.012
Motor voter law, 97.053, 97.057
Nongovernmental entity for sharing information, 98.075
Notices, 97.073, 97.1031, 98.065, 98.0655, 98.075, 98.077
Oath, 97.051, 97.052, 97.053, 101.665
Online registration, 97.0525
Overseas voters, 97.012
Party affiliation
  Change, 97.052, 97.053, 97.055, 97.071, 97.1031
  Influencing registration applicant, 97.057, 97.058
  Registration without, 97.053
Permanent single registration system, 97.105, 101.002
Precinct registers, 97.061, 98.461, 101.043, 101.49
Preregistration, minors, 97.041, 97.0585
Prior registration, cancellation, 97.073, 98.045
Qualifications, 97.041, 98.045
Records
  Addresses of voters, list maintenance, 98.015, 98.045
  Annual review, 98.065
  Closing for elections, 97.055, 97.071
  Completed registration applications, status as official registration records, 97.053
  Custody, 98.015
  Deceased voters who cast vote-by-mail ballots, 101.68
  Inspection, 98.045
  Legal residence change, 97.055, 97.1031, 98.045, 98.065
  Microfilming, 98.081, 98.461
  Name change, 97.055, 97.1031, 101.045
  Party affiliation change, 97.055, 97.1031
  Placement of voter's name on, 97.053
  Refusal by supervisor to deliver to successor, 104.32
  Registration list maintenance programs and activities, 98.045, 98.065, 98.0655, 98.075, 98.093
  Removal of elector's name
    Appeal of removal decision, 98.075, 98.0755
    Complaints of violations, 97.023
    Deceased persons, 98.045, 98.065, 98.075, 98.093
    Felons, 98.045, 98.075, 98.0751, 98.093
    Fictitious persons, 98.075
    Hearings, 98.075
    Inactive status registrants, basis for removal, 98.065
    Incompetent or incapacitated persons, 98.045, 98.075, 98.093
    Nonresidents, 98.045, 98.075
    Notices, 98.075
    Procedure, 98.075
    Recordkeeping, 98.081
    Registration list maintenance, basis for removal, 98.045, 98.065, 98.075, 98.093
    Underaged persons, 98.075
  Restoration of elector's name, 98.065, 98.075, 98.081
  Special election, availability for, 100.151
  Updating
    Applications, 97.052, 101.694
    Confidentiality, 97.0585
    Declinations, 97.057, 97.058
    Duplicate registrations, 98.075
    Highway Safety and Motor Vehicles, Department of; duties, 97.057
    Inactive voters, restoration, 98.065
    Signature of voter, 97.052, 98.077
    Statewide voter registration system, 98.035
    Supervisors of elections, duties, 97.057, 98.015, 98.065
    Vote-by-mail ballot applicants, 101.694
    Voter registration agencies, duties, 97.058
Registration agents, 97.0575
Residency, 97.041, 98.045, 98.075
Solicitation for compensation, 104.012
State, Secretary of; duties as chief election officer, 97.012, 98.035

Statewide voter registration system
Applications, 97.052, 97.053, 97.057
Creation, 97.012, 98.035
Declining to register, 97.057
List of valid addresses, provision by supervisor of elections, 98.015
Mail registration, notations on records, 97.0535
Maintenance, 98.035, 98.045, 98.065, 98.0655
New registrations, entry into, 97.053, 98.015
Online applications, transmittal, 97.0525
Removal or restoration of voters' names, 98.045, 98.065, 98.075, 98.081, 98.093
Signature matching training, requirements, 97.012
Unique identifiers, 98.0981
Updating voter information, 98.065
Updating voter signature, 98.077
Temporary residence outside of county, 101.045
Third-party voter registration organizations, 97.0575
Time limitation for filing complaints of violations, 106.25
Uniformed services personnel, 97.012, 101.665
Unlawful acts; penalties
Altering another person's application without consent, 97.0575, 104.012
Complaints containing false allegations, 106.25
Confidential investigative information, disclosing, 106.25
Consideration for registration, payment of, 104.012
Delivery of registration books, refusal, 104.32
Delivery of registration forms, obstructing or delaying, 104.0615
Denial of right to vote, 104.0515
Destruction or defacing registration forms, 104.0615
Deterring registration, 104.012, 104.0615
False registration information, submission, 104.011
False swearing, 97.052, 104.011
Generally, 106.265
Interference with registration, 104.012, 104.0615
Removal of elector's name from registration records, violations involving, 98.075, 98.0751
Solicitation of registration for compensation, 104.012
Third-party voter registration organization violations, 97.0575
Voter information card, use or possession, 104.013
Verification, 98.075, 98.0751, 101.045
Voter information cards
Change of name, legal residence, polling place address, or party affiliation, 97.071, 97.1031
Contents, 97.071
Registration approval, notice of, 97.073
Replacement, 97.052, 97.053, 97.071
Unlawful use, possession, or destruction, 104.013
Voting assistance eligibility, notation, 97.061
Voter Protection Act, 104.0615
Voter Registration Act, 97.032
Voter registration agencies, 97.021, 97.023, 97.052, 97.053, 97.058
Voter registration officials, 97.0535, 97.061, 97.1031, 97.105, 98.035, 98.081
WITNESSES
Compensation
Municipal recall election petition witnesses, 100.361
Elections Commission hearings, 106.26
Elections law violators, compelled testimony, 104.39
Immunity from prosecution
Elections law violators, 104.39
Municipal recall election petitions, 100.361



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