

1985

Session Law 85-226

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1985	Session Law No. 25 226 (20 11)	LOF Cite	#pp
Prime Bill# SB 22	Sponsor Holt	Comp./Sim. Bills HB 227 HB 237	
JLMC Hist. Leg. Cites	Senate pp.#s 3	House pp.#s 22 24	#pp
Committee of Ref.	Senate Judicial Committee	House The Committee on the Judiciary	Previous versions?

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
S	Judicial	1985	22	15/	13
			HB 227	15/	5

Senate/House Journals

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55415		7/2		55775			
55435				55934			

Tape Recordings

H/S/Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

SB. 22

S.J. 415-16

for ... (amend 1)

S.J. 435

amend 1 w/d

pol camp - ... (amend 2)

S.J. 448

amend 2 w/d

pol ... (amend 2)

H.J. 739-749

strike everything after the ...

H.J. 1134-1139

received ... (is 147..)

Amendment 3 SEATEC

Amend 1 in Amend 3: LANGUAGE (B.L. Johnson)

COMMITTEE ON ETHICS & ELECTIONS

Senate Bill 22

Chapter No. 75-226

Sponsor: Senator Hair

Relating to: Unopposed Candidates, Late Filing Penalties,
Absentee Ballots, County Officers' Terms

Companion: CS/HB 118; See also CS/HB 119, CS/HB 129, CS/HB 132,
CS/HBs 227 & 239

Date Final Passage: May 31, 1985

Vote: House: 103-4 Senate: 36-1

Governor Signed:

Effective Date: January 1, 1986

Bill Synopsis:

Senate Bill 22, as amended, contains a number of significant elections reform measures relating to unopposed candidates, campaign reports, absentee ballots and county officers' terms.

SB 22 defines "unopposed candidate" and prohibits contributions after the date the candidate becomes unopposed. The bill also restricts expenditures of unopposed candidates to "thank you" advertising in the communications media within 10 days and obligations incurred prior to the date the candidate became unopposed. An unopposed candidate has 90 days from the date he becomes unopposed to dispose of all campaign funds and file the required report.

This bill provides for fines to be assessed against any candidate or committee which fails to timely file the required campaign reports. If a report is not received by the filing officer by 5 p.m. on the designated due date, the report must be postmarked by the U.S. Postal Service by the due date in order to be deemed timely filed. Candidates and committees failing to timely file their reports are subject to a fine of \$50 per day, except that for any candidate receiving or expending \$200 or less during the reporting period the fine shall be \$10 per day for each late day. In the case of a candidate, the fine must be paid only from personal funds of the candidate. Candidates and committees may appeal or dispute the fine based upon unusual circumstances surrounding the failure to file and shall be

entitled to a hearing before the Florida Elections Commission, which will have the authority to waive the fine in whole or in part. The criminal penalties of current law are repealed.

Several changes to the reporting form have been included in SB 22 to provide for separate totals for loans, in-kind contributions and other receipts and for a separate form for reporting contributions received but returned before deposit. The reporting dates have also been simplified by eliminating a report which covered only one day and eliminating an unnecessary report for political committees.

SB 22 restricts candidates with respect to the absentee ballot process. Under the provisions of this bill, candidates are prohibited from picking up absentee ballots for any elector other than a member of his or her immediate family. Candidates are also prohibited from serving as an attesting witness on any absentee ballot. In addition, a provision prohibiting supervisors of elections or their deputies or staff from assisting blind, illiterate, or disabled absentee voters is deleted.

In its final form SB 22 also includes an amended version of CS/HBs 227 and 239 which provides for certain county officers' terms of office to begin on the second Tuesday following their election. Those county offices affected include: the clerk of the circuit court, the sheriff, and the property appraiser. Originally, the Committee Substitute for HB 227 & 239 provided for the inclusion of the supervisor of elections and the tax collector in the above group but they were amended out of the final version of the bill. Their terms of office still commence on the first Tuesday after the first Monday in January following the election. The bill has prospective application only and would not shorten the terms of any county or district officer serving as of January 1, 1986.

The contribution limits to political committees supporting or opposing ballot issues are repealed since they have been ruled unconstitutional; individual petty cash expenditures are increased to \$30; and provisions for a separate tax identification number for office accounts funded from surplus campaign money are included in this bill.

ENROLLED

SB 22

Second Engrossed

1 A bill to be entitled
2 An act relating to elections; amending ss.
3 101.62, 101.64, 101.65, 106.011, 106.04,
4 106.06, 106.07, 106.08, 106.11, 106.12,
5 106.141, and 106.18, F.S.; placing restrictions
6 upon who may pick up or witness absentee
7 ballots; defining "filing officer" and
8 "unopposed candidate"; modifying certain
9 reporting requirements applicable to committees
10 of continuous existence to conform such
11 requirements to those applicable to candidates;
12 providing fines for late filing by such
13 committees; providing for notice; providing for
14 appeal; providing for notice of repeated
15 violation; modifying reporting requirements for
16 certain candidates and political committees;
17 providing that, in certain cases, campaign
18 contribution/expenditure reports must be
19 postmarked by the U.S. Postal Service to be
20 deemed timely filed; providing for separate
21 totals for loans and in-kind contributions;
22 providing for a separate form indicating
23 contributions received but returned; providing
24 fines for late filing by candidates and
25 committees; providing for notice; providing for
26 appeal; providing for notice of repeated
27 violation; removing limits upon contributions
28 made in support of or in opposition to any
29 issue; prohibiting the acceptance of
30 contributions for unopposed candidates;
31 prohibiting the expenditure of certain funds of

SB 22

Second Engrossed

1 unopposed candidates; clarifying penalty
2 provisions to apply to political committees and
3 committees of continuous existence; increasing
4 the individual petty cash expenditure limit;
5 providing for disposition of surplus funds by
6 unopposed candidates within a specified time
7 period; providing for separate tax
8 identification numbers for certain candidates'
9 surplus funds accounts; providing restrictions
10 on the sale of political advertising; amending
11 s. 101.051, F.S.; enabling a supervisor of
12 elections or his deputies and staff to assist
13 certain absentee voters; repealing s. 106.20,
14 F.S., relating to penalties for failure to
15 submit reports; amending s. 100.041, F.S.;
16 changing the date at which the terms of certain
17 county and district officers begin; providing
18 an effective date.
19
20 Be It Enacted by the Legislature of the State of Florida:
21
22 Section 1. Subsection (4) of section 101.62, Florida
23 Statutes, is amended to read:
24 101.62 Request for absentee ballots.--
25 (4) The supervisor of elections shall, not less than
26 30 days before the first primary election, not less than 24
27 days before the second primary election, and not less than 30
28 days before the general election, mail an absentee ballot to
29 each absent elector overseas who has made a request for an
30 absentee ballot; and, as soon as the remainder of the absentee
31 ballots are printed, the supervisor of elections shall deliver

1 or mail an absentee ballot to each elector by for whom a
 2 request for such ballot has been made. Any elector; however;
 3 may designate in writing a person to pick up the ballot for
 4 him; however, no candidate may be designated to pick up an
 5 absentee ballot for any elector other than a member of his or
 6 her immediate family. Upon presentation of such written
 7 authorization by such designee in person, the supervisor may
 8 give the ballot to such designee for delivery to the elector.
 9 The supervisor shall initial the stub attached to the absentee
 10 ballot and enter the name of the elector in the place
 11 indicated for the elector to sign. The supervisor shall then
 12 detach the ballot from the stub and mail or deliver the
 13 ballot. Before mailing or delivering the ballot, the
 14 supervisor shall fill in the number of the precinct in which
 15 the voter is registered in the space provided for this purpose
 16 on the envelope. If an elector appears in person to cast an
 17 absentee ballot, the elector shall sign the stub, and the
 18 supervisor shall then detach the ballot from the stub and
 19 deliver the ballot to the elector.

20 Section 2. Subsection (1) of section 101.64, Florida
 21 Statutes, is amended to read:

22 101.64 Delivery of absentee ballots; envelopes;
 23 form.--

24 (1) The supervisor shall enclose with each absentee
 25 ballot two envelopes, a plain white envelope into which the
 26 absent elector shall enclose and seal his marked ballot and a
 27 second envelope, into which the absent elector shall then
 28 place the sealed white envelope, which shall be addressed to
 29 the supervisor and also bear on the back side of this "mailing
 30 envelope" a certificate which shall be substantially in the
 31

1 following form:

2 Note: Please Read Instructions Carefully Before
 3 Marking Ballot and Completing Voter's Certificate.

4 VOTER'S CERTIFICATE

5 I,, am duly qualified and registered as a
 6 ... (Party)... voter of the Precinct of County,
 7 Florida, coming within the purview of the definition of
 8 "absent elector"; and I am entitled to vote an absentee ballot
 9 for the following reason:

10 CHECK ONLY ONE

11 1.I am unable without another's assistance to
 12 attend the polls.

13 2.I will not be in the county of my residence
 14 during the hours the polls are open for voting on election
 15 day.

16 3.I am an inspector, a poll worker, a deputy
 17 voting machine custodian, a deputy sheriff, a supervisor of
 18 elections, or a deputy supervisor who is assigned to a
 19 different precinct than that in which I am registered.

20 4.On account of the tenets of my religion, I
 21 cannot attend the polls on the day of the general, special, or
 22 primary election.

23 5.I have changed my permanent residency to
 24 another county in Florida within the time period during which
 25 the registration books are closed for the election. I
 26 understand that I am allowed to vote only for national and
 27 statewide offices and statewide issues.

28 6.I have changed my permanent residency to
 29 another state and am unable under the laws of such state to
 30
 31

1 106.011 Definitions.--As used in this chapter, the
2 following terms have the following meanings unless the context
3 clearly indicates otherwise:

4 (14) "Filing officer" means the person before whom a
5 candidate qualifies, the agency or officer with whom a
6 political committee registers, or the agency by whom a
7 committee of continuous existence is certified.

8 (15) "Unopposed candidate" means a candidate for
9 nomination or election to an office who, after the last day on
10 which any person, including a write-in candidate, may qualify,
11 is without opposition in the election at which the office is
12 to be filled, or who is without such opposition after such
13 date as a result of any primary election or of withdrawal by
14 other candidates seeking the same office. A candidate is not
15 an unopposed candidate if there is a vacancy to be filled
16 under s. 100.111(4), if there is a legal proceeding pending
17 regarding the right to a ballot position for the office sought
18 by the candidate, or if the candidate is seeking retention as
19 a justice of the Supreme Court or as a judge of a district
20 court of appeal.

21 Section 5. Subsection (4) of section 106.04, Florida
22 Statutes, is amended, and subsection (8) is added to said
23 section, to read:

24 106.04 Committees of continuous existence.--

25 (4) Each committee of continuous existence shall file
26 an annual report with the Division of Elections during the
27 month of January of each year. Such annual reports shall
28 contain the same information and shall be accompanied by the
29 same materials as original applications filed pursuant to
30 subsection (2). In addition to such annual report, each
31 committee shall file regular reports with the Division of

1 Elections at the same times and subject to the same filing
2 conditions as are established that reports are required of
3 candidates by s. 106.07(1) and (2)(a) for candidates' reports.
4 Any committee of continuous existence failing to so file a
5 report on the designated due date shall be subject to the
6 provisions of subsection (8). A duplicate copy of each report
7 shall be filed with the supervisor of elections in the county
8 in which the committee maintains its books and records, except
9 that if the filing officer to whom the committee is required
10 to report is located in the same county as the supervisor no
11 such duplicate report is required to be filed with the
12 supervisor. Reports shall be on forms provided by the
13 division and shall contain the following information:

14 (a) The full name, address, and occupation of each
15 person who has made one or more contributions to the committee
16 during the reporting period, together with the amounts and
17 dates of such contributions. However, if the contribution is
18 \$100 or less, the occupation of the contributor need not be
19 listed, and only the name and address are necessary. However,
20 for any contributions which represent the payment of dues by
21 members in a fixed amount pursuant to the schedule on file
22 with the Division of Elections, only the aggregate amount of
23 such contributions need be listed, together with the number of
24 members paying such dues and the amount of the membership
25 dues.

26 (b) The name and address of each political committee
27 or committee of continuous existence from which the reporting
28 committee received, or to which it made, any transfer of
29 funds, together with the amounts and dates of all transfers.
30
31

1 (c) Any other receipt of funds not listed pursuant to
2 paragraph (a) or paragraph (b), including the sources and
3 amounts of all such funds.

4 (d) The name, address, and office sought by each
5 candidate to whom the committee has made a contribution during
6 the reporting period, together with the amount and date of
7 each contribution. The treasurer of each committee shall
8 certify as to the correctness of each report and shall bear
9 the responsibility for its accuracy and veracity. Any
10 treasurer who willfully certifies to the correctness of a
11 report while knowing that such report is incorrect, false, or
12 incomplete is guilty of a felony of the third degree,
13 punishable as provided in s. 775.082, s. 775.083, or s.
14 775.084.

15 (8)(a) Any committee of continuous existence failing
16 to file a report on the designated due date shall be subject
17 to a fine of \$50 per day for each late day. The fine shall be
18 assessed by the filing officer and the moneys collected shall
19 be deposited in the General Revenue Fund.

20 (b) Upon determining that a report is late, the filing
21 officer shall immediately notify the treasurer of the
22 committee as to the failure to file a report by the designated
23 due date and that a fine of \$50 per day is being assessed for
24 each late day. Upon receipt of the report, the filing officer
25 shall determine the amount of fine which is due and shall
26 notify the treasurer of the committee. The filing officer
27 shall determine the amount of the fine due based on when the
28 report is actually received by such officer. Such fine shall
29 be paid to the filing officer within 15 days of receipt of the
30 notice of payment due, unless appeal is made to the Florida
31 Elections Commission pursuant to paragraph (c).

1 (c) Any treasurer of a committee may appeal or dispute
2 the fine, based upon unusual circumstances surrounding the
3 failure to file on the designated due date, and may request
4 and shall be entitled to a hearing before the Florida
5 Elections Commission, which shall have the authority to waive
6 the fine in whole or in part. Any such request shall be made
7 within 15 days of receipt of the notice of payment due. In
8 such case, the treasurer of the committee shall, within the
9 15-day period, notify the filing officer in writing of his
10 intention to bring the matter before the commission.

11 (d) The filing officer shall notify the Florida
12 Elections Commission of the repeated late filing by a
13 committee of continuous existence, the failure of a committee
14 of continuous existence to file a report after notice, or the
15 failure to pay the fine imposed.

16 Section 6. Subsections (1), (2), (4), and (5) of
17 section 106.07, Florida Statutes, 1984 Supplement, are
18 amended, and subsection (10) is added to said section, to
19 read:

20 106.07 Reports; certification and filing.--

21 (1) Each campaign treasurer designated by a candidate
22 or political committee pursuant to s. 106.021 shall file
23 regular reports of all contributions received, and all
24 expenditures made, by or on behalf of such candidate or
25 political committee.

26 (a) Reports shall be filed on the 10th day following
27 the end of each calendar quarter from the time the campaign
28 treasurer is appointed. Following the last day of qualifying
29 for office, the reports shall be filed:
30
31

1 ~~1r--On the Friday preceding the general election, for a~~
 2 ~~candidate who is unopposed in seeking nomination and election~~
 3 ~~to any office;~~

4 ~~2r on the 4th, 18th, and 32nd days immediately~~
 5 ~~preceding the first and second primaries and on the 4th and~~
 6 ~~18th days immediately preceding the general election each~~
 7 ~~election, for a candidate who is opposed in seeking nomination~~
 8 ~~or election to any office, for a political committee, or for a~~
 9 ~~committee of continuous existence.~~

10 ~~(b) Notwithstanding the provisions of paragraph (a),~~
 11 ~~any unopposed candidate need only file a report within 90 days~~
 12 ~~after the date such candidate became unopposed. Such report~~
 13 ~~shall contain all previously unreported contributions and~~
 14 ~~expenditures as required by this section and shall reflect~~
 15 ~~disposition of funds as required by s. 106.141. Any opposed~~
 16 ~~primary-candidate-filing-reports-pursuant-to-subparagraph~~
 17 ~~(a)2r-who-is-unopposed-in-the-general-election-need-only-file~~
 18 ~~on-the-Friday-immediately-preceding-the-general-election;~~

19 ~~(c) The division shall provide each candidate with a~~
 20 ~~schedule designating the beginning and end of reporting~~
 21 ~~periods as well as the corresponding designated due dates.~~

22 (2)(a) All reports required of a candidate by this
 23 section shall be filed with the officer before whom the
 24 candidate is required by law to qualify. Reports shall be
 25 filed not later than 5 p.m. of the day designated; however,
 26 any report postmarked by the U.S. Postal Service no later than
 27 midnight of the day designated shall be deemed to have been
 28 filed in a timely manner. A Certificate of Mailing, Form
 29 3017, obtained from and dated by the U.S. Postal Service at
 30 the time of mailing, which bears a date on or before the date
 31 on which the report is due, shall be proof of mailing in a

1 timely manner. Reports shall contain information of all
 2 previously unreported contributions received and expenditures
 3 made as of the preceding Friday, except that the report filed
 4 on the Friday immediately preceding the election shall contain
 5 information of all previously unreported contributions
 6 received and expenditures made as of the day preceding that
 7 designated due date. All such reports shall be open to public
 8 inspection. Each candidate for other than a statewide office
 9 who qualifies with the Secretary of State shall file a
 10 duplicate copy at the same time with the supervisor of
 11 elections in the county in which the candidate resides.

12 (b)1. Any report which is deemed to be incomplete by
 13 the officer with whom the candidate qualifies shall be
 14 accepted on a conditional basis, and the campaign treasurer
 15 shall be notified by registered mail as to why the report is
 16 incomplete and be given 3 days from receipt of such notice to
 17 file an addendum to the report providing all information
 18 necessary to complete the report in compliance with this
 19 section. Failure to file a complete report after such notice
 20 constitutes a violation of this chapter.

21 2. In lieu of the notice by registered mail as
 22 required in subparagraph 1., the qualifying officer may notify
 23 the campaign treasurer by telephone that the report is
 24 incomplete and request the information necessary to complete
 25 the report. If, however, such information is not received by
 26 the qualifying officer within 3 days of the telephone request
 27 therefor, notice shall be sent by registered mail as provided
 28 in subparagraph 1.

29 (4) Each report required by this section shall
 30 contain:

31

1 (a) The full name, address, and occupation, if any, of
 2 each person who has made one or more contributions to or for
 3 such committee or candidate within the reporting period,
 4 together with the amount and date of such contributions.
 5 However, if the contribution is \$100 or less or is from a
 6 relative, as defined in s. 116.111(1)(c), provided the
 7 relationship is reported, the occupation of the contributor
 8 need not be listed, and only the name and address are
 9 necessary.

10 (b) The name and address of each political committee
 11 from which the reporting committee or the candidate received,
 12 or to which the reporting committee or candidate made, any
 13 transfer of funds, together with the amounts and dates of all
 14 transfers.

15 (c) Each loan for campaign purposes to or from any
 16 person or political committee within the reporting period,
 17 together with the full names, addresses, and occupations, and
 18 principal places of business, if any, of the lender and
 19 endorsers, if any, and the date and amount of such loans.

20 (d) The total amount of proceeds from each campaign
 21 fund raiser regulated by s. 106.025.

22 (e) A statement of each contribution, rebate, refund,
 23 or other receipt not otherwise listed under paragraphs (a)
 24 through (d).

25 (f) The total sums of all loans, in-kind
 26 contributions, and other sum-of-all receipts by or for such
 27 committee or candidate during the reporting period. The
 28 reporting forms shall be designed to elicit separate totals
 29 for in-kind contributions, loans, and other receipts.

30 (g) The full name and address of each person to whom
 31 expenditures have been made by or on behalf of the committee

1 or candidate within the reporting period; the amount, date,
 2 and purpose of each such expenditure; and the name and address
 3 of, and office sought by, each candidate on whose behalf such
 4 expenditure was made. However, expenditures made from the
 5 petty cash fund provided by s. 106.12 need not be reported
 6 individually.

7 (h) The full name and address of each person to whom
 8 an expenditure for personal services, salary, or reimbursed
 9 expenses has been made and which is not otherwise reported,
 10 including the amount, date, and purpose of such expenditure.
 11 However, expenditures made from the petty cash fund provided
 12 for in s. 106.12 need not be reported individually.

13 (i) The total amount withdrawn and the total amount
 14 spent for petty cash purposes pursuant to this chapter during
 15 the reporting period.

16 (j) The total sum of expenditures made by such
 17 committee or candidate during the reporting period.

18 (k) The amount and nature of debts and obligations
 19 owed by or to the committee or candidate, which relate to the
 20 conduct of any political campaign.

21 (l) A list of all credit card purchases, and the
 22 amount thereof, made by the candidate or political committee
 23 during the reporting period. A copy of each statement shall
 24 be included in the next report following receipt thereof by
 25 the candidate or political committee. Receipts for each
 26 credit card purchase shall be retained by the treasurer with
 27 the records for the campaign account.

28 (m) The amount and nature of any campaign savings
 29 accounts or certificates of deposit and identification of the
 30 financial institution in which such accounts or certificates
 31 of deposit are located.

1 (n) The division shall make available to any candidate
 2 or committee a reporting form which the candidate or committee
 3 may use to indicate contributions received by the candidate or
 4 committee but returned to the contributor before deposit.

5 (5) A report shall be filed 45 days after the last
 6 election in a given election period in which a political
 7 committee participates; if such report shows an unexpended
 8 balance of contributions, the campaign treasurer of the
 9 political committee shall file with the agency or officer
 10 before whom reports are filed pursuant to subsection (3) a
 11 supplemental statement of contributions and expenditures;
 12 Such supplemental statement shall be filed on the 10th day
 13 following the end of each calendar quarter until the account
 14 shows no unexpended balance of contributions and the account
 15 has been closed.

16 (10)(e) Any candidate or political committee failing
 17 to file a report on the designated due date shall be subject
 18 to a fine as provided in paragraph (b) for each late day, and,
 19 in the case of a candidate, such fine shall be paid only from
 20 personal funds of the candidate. The fine shall be assessed
 21 by the filing officer and the moneys collected shall be
 22 deposited:

23 1. In the General Revenue Fund, in the case of a
 24 candidate for state office or a political committee that
 25 registers with the Division of Elections; or

26 2. In the general revenue fund of a political
 27 subdivision, in the case of a candidate for an office of a
 28 political subdivision or a political committee that registers
 29 with an officer of a political subdivision.

30 (b) Upon determining that a report is late, the filing
 31 officer shall immediately notify the candidate or chairman of

1 the political committee as to the failure to file a report by
 2 the designated due date and that a fine is being assessed for
 3 each late day. The fine shall be \$10 per day for each late
 4 day for any candidate who receives or expends \$100 or less
 5 during the reporting period; in all other instances the fine
 6 shall be \$50 per day for each late day. Upon receipt of the
 7 report, the filing officer shall determine the amount of the
 8 fine which is due and shall notify the candidate or chairman.
 9 The filing officer shall determine the amount of the fine due
 10 based on when the report is actually received by such officer.
 11 Such fine shall be paid to the filing officer within 15 days
 12 of receipt of notice of the payment due, unless appeal is made
 13 to the Florida Elections Commission pursuant to paragraph (c).
 14 In the case of a candidate, such fine shall not be an
 15 allowable campaign expenditure, and shall be paid only from
 16 personal funds of the candidate.

17 (c) Any candidate or chairman of a political committee
 18 may appeal or dispute the fine, based upon unusual
 19 circumstances surrounding the failure to file on the
 20 designated due date, and may request and shall be entitled to
 21 a hearing before the Florida Elections Commission, which shall
 22 have the authority to waive the fine in whole or in part. Any
 23 such request shall be made within 15 days of the notice of
 24 payment due. In such case, the candidate or chairman of the
 25 political committee shall, within the 15-day period, notify
 26 the filing officer in writing of his intention to bring the
 27 matter before the commission.

28 (d) The appropriate filing officer shall notify the
 29 Florida Elections Commission of the repeated late filing by a
 30 candidate or political committee, the failure of a candidate
 31

1 ~~or political committee to file a report after notice, or the~~
 2 ~~failure to pay the fine imposed.~~

3 Section 7. Subsections (1), (2), and (4) of section
 4 106.08, Florida Statutes, are amended to read:

5 106.08 Contributions; limitations on.--

6 (1) No person, or political committee, or committee of
 7 continuous existence shall make contributions to any candidate
 8 or political committee in this state, for any election, in
 9 excess of the following amounts:

10 (a) To a candidate for countywide office or to a
 11 candidate in any election conducted on less than a countywide
 12 basis, \$1,000.

13 (b) To a candidate for legislative or multicounty
 14 office, \$1,000.

15 (c) To a candidate for statewide office, \$3,000.

16 ~~(d)--To any political committee in support of, or in~~
 17 ~~opposition to, an issue to be voted on in a statewide~~
 18 ~~election--\$3,000.~~

19 ~~(e)--To any political committee in support of, or in~~
 20 ~~opposition to, an issue to be voted on in a countywide,~~
 21 ~~districtwide, or less than countywide election--\$1,000.~~

22 (d)(f) To a political committee supporting or opposing
 23 one or more candidates, \$1,000.

24 (e)(g) To a candidate for county court judge or
 25 circuit judge, \$1,000.

26 (f)(h) To a candidate for retention as a judge of a
 27 district court of appeal, \$2,000.

28 (g)(i) To a candidate for retention as a justice of
 29 the Supreme Court, \$3,000.

30
 31

1 The contribution limits provided in paragraphs (a) through (g)
 2 (i) shall not apply to contributions made by a state or county
 3 executive committee of a political party regulated by chapter
 4 103 or to amounts contributed by a candidate to his own
 5 campaign. The limitations provided by this subsection shall
 6 apply to each election. For purposes of this subsection the
 7 first primary, second primary, and general election shall be
 8 deemed separate elections so long as the candidate is not an
 9 unopposed candidate as defined in s. 106.011(15) or election
 10 time-segments; ~~whether or not the candidate has opposition in~~
 11 ~~the respective elections.~~ However, for the purpose of
 12 contribution limits with respect to candidates for retention
 13 as a justice of the Supreme Court or judge of a district court
 14 of appeal, there shall be only one election, which shall be
 15 the general election, and with respect to candidates for
 16 circuit judge or county court judge, there shall be only two
 17 elections, which shall be the first primary election and
 18 general election.

19 (2) Any contribution received by a candidate with
 20 opposition in an election or the campaign treasurer or a
 21 deputy treasurer of such a candidate, or by the treasurer or a
 22 deputy treasurer of a political committee supporting or
 23 opposing a candidate with opposition or supporting or opposing
 24 an issue on the ballot in an election, on the day of that
 25 election or less than 5 days prior to the day of that election
 26 shall be returned by him to the person or political committee
 27 contributing it and shall not be used or expended by or on
 28 behalf of the candidate or political committee. Any
 29 contribution received by a candidate or the campaign treasurer
 30 or a deputy treasurer of a candidate after the date at which
 31 the candidate withdraws his candidacy, or after the date the

1 candidate is defeated, becomes unopposed, or is elected to
 2 office, shall be returned to the person or political committee
 3 contributing it and shall not be used or expended by or on
 4 behalf of the candidate.

5 (4) Any person who knowingly and willfully makes a
 6 contribution in violation of subsection (1) or subsection (3),
 7 or any person who knowingly and willfully fails or refuses to
 8 return any contribution as required in subsection (2), is
 9 guilty of a misdemeanor of the first degree, punishable as
 10 provided in s. 775.082 or s. 775.083. If any corporation,
 11 partnership, or other business entity, or any political
 12 committee or committee of continuous existence, is convicted
 13 of knowingly and willfully violating this section, it shall be
 14 fined not less than \$1,000 and not more than \$10,000. If it
 15 is a domestic entity, it may be ordered dissolved by a court
 16 of competent jurisdiction; if it is a foreign or nonresident
 17 business entity, its right to do business in this state may be
 18 forfeited. Any officer, partner, agent, attorney, or other
 19 representative of a corporation, partnership, or other
 20 business entity, or of a political committee or committee of
 21 continuous existence, who aids, abets, advises, or
 22 participates in a violation of this section is guilty of a
 23 misdemeanor of the first degree, punishable as provided in s.
 24 775.082 or s. 775.083.

25 (5) Any person who knowingly and willfully violates
 26 the provisions of this section shall, in addition to any other
 27 penalty prescribed by this chapter, pay to the state a sum
 28 equal to twice the amount contributed in violation of this
 29 chapter. Each campaign treasurer shall pay all amounts
 30 contributed in violation of this section to the state for
 31 deposit in the General Revenue Fund.

1 Section 8. Subsection (4) is added to section 106.11,
 2 Florida Statutes, to read:

3 106.11 Expenses of and expenditures by candidates and
 4 political committees.--Each candidate and each political
 5 committee which designates a primary campaign depository
 6 pursuant to s. 106.021(1) shall make expenditures from funds
 7 on deposit in such primary campaign depository only in the
 8 following manner, with the exception of expenditures made from
 9 petty cash funds provided by s. 106.12:

10 (4) No unopposed candidate shall expend any funds from
 11 his campaign account, nor shall any other person expend funds
 12 from the campaign account on his behalf, after the candidate
 13 becomes unopposed, except as provided in s. 106.141. However,
 14 for a period of up to 10 days after the candidate becomes
 15 unopposed, the candidate may expend funds to purchase "thank
 16 you" advertising in the communications media. This provision
 17 shall not prohibit the expenditure of funds from the campaign
 18 account which were obligated to be spent or encumbered prior
 19 to the date the candidate became unopposed.

20 Section 9. Subsections (2) and (3) of section 106.12,
 21 Florida Statutes, are amended to read:

22 106.12 Petty cash funds allowed.--

23 (2) Following the close of the last day for qualifying
 24 and until the last election in a given election period in
 25 which the political committee participates report-as-fired
 26 pursuant-to-s-106.0745), the campaign treasurer of each
 27 political committee is authorized to withdraw the following
 28 amount each week from the primary depository campaign account
 29 for the purpose of providing a petty cash fund for the
 30 political committee, and, following the close of the last day
 31 for qualifying and until the election at which such candidate

1 is eliminated or elected to office, or the time at which the
 2 candidate becomes unopposed, the campaign treasurer of each
 3 candidate is authorized to withdraw the following amount each
 4 week from the primary depository campaign account for the
 5 purpose of providing a petty cash fund for the candidate:

6 (a) For all candidates for nomination or election on a
 7 statewide basis, \$500 per week.

8 (b) For all other candidates and all political
 9 committees, \$100 per week.

10 (3) The petty cash fund so provided shall be spent
 11 only in amounts less than ~~\$10~~ \$20 and only for office
 12 supplies, transportation expenses, and other necessities.
 13 Petty cash shall not be used for the purchase of time, space,
 14 or services from communications media as defined in s.
 15 106.011(13).

16 Section 10. A new subsection (3) is added to section
 17 106.141, Florida Statutes, 1984 Supplement, present
 18 subsections (3), (4), (6), (8), and (11) are renumbered as
 19 subsections (4), (5), (7), (9), and (12), respectively, and
 20 present subsections (5), (7), (9), and (10) are renumbered and
 21 amended, to read:

22 106.141 Disposition of surplus funds by candidates.--

23 (3) Each candidate shall, pursuant to this section,
 24 within 90 days after having become unopposed, dispose of the
 25 funds on deposit in his campaign account. Such candidate
 26 shall not accept any contributions, nor shall any other person
 27 accept contributions on behalf of such candidate, after the
 28 candidate has become an unopposed candidate.

29 (6)(5) The campaign treasurer of a candidate who
 30 withdraws his candidacy, or who has been eliminated as a
 31 candidate, who has become unopposed, or who has been elected

1 to office and who has funds on deposit in a campaign savings
 2 account or certificate of deposit shall, within 7 days of the
 3 date of becoming unopposed or the date of such withdrawal,
 4 elimination, or election, transfer such funds and accumulated
 5 interest earned thereon to the campaign account of the
 6 candidate for disposal in accordance with the provisions of
 7 this section.

8 ~~(8)(7)~~ A candidate elected to office or a candidate
 9 who will be elected to office by virtue of his being unopposed
 10 may dispose of all of the funds in such account in the manner
 11 provided in this section or may transfer from the campaign
 12 account to an office account any amount of the funds on
 13 deposit in such campaign account up to:

14 (a) \$10,000, for a candidate for statewide office.

15 (b) \$5,000, for a candidate for multicounty office.

16 (c) \$2,500 multiplied by the number of years in the
 17 term of office for which elected, for a candidate for
 18 legislative office.

19 (d) \$2,000, for a candidate for county office or for a
 20 candidate in any election conducted on less than a countywide
 21 basis.

22 (e) \$6,000, for a candidate for retention as a justice
 23 of the Supreme Court.

24 (f) \$3,000, for a candidate for retention as a judge
 25 of a district court of appeal.

26 (g) \$1,500, for a candidate for county court judge or
 27 circuit judge.

28
 29 The office account established pursuant to this subsection
 30 shall be separate from any personal or other account. Any
 31 funds so transferred by a candidate shall be used only for

1 legitimate expenses in connection with his public office.
 2 Such expenses may include travel expenses incurred by the
 3 officer or a member of his staff or expenses incurred in the
 4 operation of his office, including the employment of
 5 additional staff. The funds may be deposited in a savings
 6 account; however, all deposits, withdrawals, and interest
 7 earned thereon shall be reported at the appropriate reporting
 8 period. Any candidate elected to office who transfers funds
 9 pursuant to this subsection and who has funds remaining in
 10 such office account after a subsequent election at which such
 11 candidate is reelected to office or elected to another office
 12 shall, pursuant to subsection (7) (6), dispose of all funds on
 13 deposit in the campaign account established to finance the
 14 subsequent campaign which funds have not been spent or
 15 obligated to be spent with respect to such subsequent
 16 campaign, except that such candidate may transfer from the
 17 campaign account established to finance his campaign in the
 18 subsequent election to the account in which the previously
 19 transferred funds are deposited in an amount equal to the
 20 difference between the amount allowed to be transferred and
 21 the amount of unspent funds that are remaining in the office
 22 account to be used for legitimate office expenses. Upon
 23 leaving public office, any person who has funds in an office
 24 account pursuant to this subsection remaining on deposit shall
 25 give such funds to a charitable organization or organizations
 26 which meet the requirements of s. 501(c)(3) of the Internal
 27 Revenue Code or, in the case of a state officer, to the state
 28 to be deposited in the General Revenue Fund or, in the case of
 29 an officer of a political subdivision, to the political
 30 subdivision to be deposited in the general fund thereof. Upon
 31 request of any person who has funds in an office account

1 pursuant to this subsection, the Secretary of State shall
 2 provide for the assignment of a separate tax identification
 3 number by which the income attributable to such account may be
 4 considered separately from the person's income as an
 5 individual.

6 (10)(9) Any candidate elected to office who transfers
 7 surplus campaign funds into an office account pursuant to
 8 subsection (8) (7) shall file a report on the 10th day
 9 following the end of each calendar quarter until the account
 10 is closed. Such reports shall contain the name and address of
 11 each person to whom any disbursement of funds was made,
 12 together with the amount thereof and the purpose therefor, and
 13 the name and address of any person from whom the elected
 14 candidate received any refund or reimbursement and the amount
 15 thereof. Such reports shall be on forms prescribed by the
 16 Division of Elections, signed by the elected candidate,
 17 certified as true and correct, and filed with the officer with
 18 whom campaign reports were filed pursuant to s. 106.07(2).

19 (11)(10) Any candidate, or any person on behalf of a
 20 candidate, who accepts contributions after such candidate has
 21 withdrawn his candidacy, after the candidate has become an
 22 unopposed candidate, after the candidate has been eliminated
 23 as a candidate or elected to office, or after the second
 24 anniversary of the date the campaign account of such candidate
 25 was established is guilty of a misdemeanor of the first
 26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 (12)(11) Any candidate who is required by the
 28 provisions of this section to dispose of funds in his campaign
 29 account and who fails to dispose of the funds in the manner
 30 provided in this section is guilty of a misdemeanor of the
 31

1 first degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 Section 11. Subsection (3) of section 106.18, Florida
4 Statutes, is amended to read:

5 106.18 When a candidate's name to be omitted from
6 ballot.--

7 (3) No certificate of election shall be granted to any
8 candidate until all preelection reports required by s. 106.07
9 have been filed in accordance with the provisions of such
10 section 27-106.07-or-27-106.20.

11 Section 12. Subsection (3) of s. 101.051, Florida
12 Statutes, 1984 Supplement, is amended to read:

13 101.051 Electors seeking assistance in casting
14 ballots; form to be executed; forms to be furnished.--

15 (3) Any elector applying to cast an absentee ballot in
16 the office of the supervisor, in any election, who requires
17 assistance to vote by reason of blindness, disability, or
18 inability to read or write may request the assistance of some
19 person of his own choice, other than his employer, an agent of
20 his employer, or an officer or agent of his union, in casting
21 his absentee ballot. ~~However, no supervisor of elections or~~
22 ~~any of his deputies or any member of his staff shall act in~~
23 ~~such capacity.~~

24 Section 13. Section 106.20, Florida Statutes, is
25 hereby repealed.

26 Section 14. Subsections (1) and (4) of section
27 100.041, Florida Statutes, are amended to read:

28 100.041 Officers chosen at general election.--

29 (1) State senators shall be elected for terms of 4
30 years, those from odd-numbered districts in each year the
31 number of which is a multiple of 4 and those from even-

1 numbered districts in each even-numbered year the number of
2 which is not a multiple of 4. Members of the House of
3 Representatives shall be elected for terms of 2 years in each
4 even-numbered year. In each county, a clerk of the circuit
5 court, sheriff, superintendent of schools, property appraiser,
6 and tax collector shall be chosen by the qualified electors at
7 the general election in each year the number of which is a
8 multiple of 4. The Governor and the administrative officers
9 of the executive branch of the state shall be elected for
10 terms of 4 years in each even-numbered year; the number of
11 which is not a multiple of 4. The terms of state and county
12 offices other than the terms of members of the Legislature and
13 of superintendents of schools shall begin on the first Tuesday
14 after the first Monday in January after said election. The
15 term of office of each member of the Legislature shall begin
16 upon election.

17 (4) ~~Except as provided in subsections (2) and (3);~~ The
18 term of office of each county and each district officer not
19 otherwise provided by law shall commence on the second first
20 Tuesday after the first Monday in January following his
21 election, ~~except that the term of office for tax collector~~
22 ~~shall commence on the first Tuesday after the first Monday in~~
23 January following his election.

24 Section 15. This act shall not shorten the terms of
25 any county or district officer serving as of the effective
26 date of this act.

27 Section 16. This act shall take effect January 1,
28 1986.

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Christensen</u>	<u>JC Lester</u> <i>BL</i>	1. <u>JCI</u>	<u>Fav/2 amend.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT: Elections

BILL NO. AND SPONSOR:
CS/HBs 227 and 239 by
Ethics & Elections Committee
& Reps. B.L. Johnson,
D.L. Thomas, Allen, Jennings

I. SUMMARY:

A. Present Situation:

Section 98.161, F.S., relating to the supervisor of elections, provides that the term of the supervisor commences on the first Tuesday after the first Monday in January succeeding his election in the general election.

Section 100.041, F.S., relating to officers chosen at the general election, provides that the terms of state and county officers other than the terms of legislators and of superintendants of schools begin on the first Tuesday after the first Monday in January after the general election.

B. Effect of Proposed Changes:

This bill amends s. 98.161, F.S., to provide that the term of supervisor of elections commences on the second Tuesday after his election in the general election.

This bill amends s. 100.041, F.S., to provide that the term of each county and district officer, not otherwise provided by law, commences on the second Tuesday after his election.

The bill provides that its provisions shall not shorten the terms of any county or district officer serving as of the bill's effective date (January 1, 1986).

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

If amendment #1 by Judiciary-Civil is adopted, an amendment to the title should be offered.

IV. AMENDMENTS:

#1 by Judiciary-Civil:

Deletes section 1 of the bill, thereby reinstating present statutory language providing that the term of a supervisor of

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TALLAHASSEE, FL 32305 (CEC)

elections commences on the first Tuesday after the first Monday in January succeeding his election in the general election.

#2 by Judiciary-Civil:

Adds a proviso to s. 100.041(4), F.S., as amended by this bill, to provide that the term of office for tax collector commences on the first Tuesday after the first Monday in January following his election.

SENATE COMMITTEE AMENDMENT

SB _____

No. 1
(reported favorably)

CS/HBs 227 & 239

The Committee on...Judiciary-Civil....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page 1....., lines 9-21....., strike all of said lines; renumber subsequent sections

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			-	

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

 * Amendment No. 2, taken up by committee: 05-21-85 Adopted X *
 * Offered by Senator Frank Failed _ *

(Amendment No. ____ Adopted ____ Failed ____ Date __/__/__)

SENATE COMMITTEE AMENDMENT

SB _____

No. 2
(reported favorably)

CS/HBs 227 & 239

The Committee on...Judiciary-Civil....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Amendment

On page 2....., line 17....., after election

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			-	

, except that the term of office for tax collector shall commence on the first Tuesday after the first Monday in January following his election

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

 * Amendment No. 3, taken up by committee: 05-21-85 Adopted X *
 * Offered by Senator Frank Failed *

(Amendment No. Adopted Failed Date / /)

STORAGE NAME: HB 239-85 sa

Date: March 26, 1985

Revised: April 15, 1985

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON Ethics and Elections
STAFF ANALYSIS

BILL# HB 239 SPONSOR Rep. D.L. Thomas

EFFECTIVE DATE Upon becoming a law

IDENTICAL/SIMILAR BILLS HB 227

RELATING TO Terms of office for certain state and county officials

OTHER COMMITTEES OF REFERENCE None

I. SUMMARY:

Present law provides that officers chosen at the general election begin their terms on the following dates: legislators, upon election; school board members, county commissioners, and superintendents of schools - on the second Tuesday following the general election; and, the governor and cabinet, state attorneys, public defenders, sheriffs, clerks of the circuit courts, property appraisers, tax collectors, and supervisors of elections take office on the first Tuesday after the first Monday in January following the general election.

Proposed language would result in state attorneys, supervisors of elections, clerks of the circuit courts, sheriffs, property appraisers and tax collectors taking office upon being elected.


II. ECONOMIC IMPACT: None

III. COMMENTS: The term "upon election" generally means that the elected official's term of office begins at midnight on election day. Due to certain requirements that must be met before these elected officials can assume their duties (being sworn in, being commissioned by the Secretary of State, having bonds approved for those required to be bonded), taking office "upon election" does not allow time to complete these prerequisites.

Page 2
Bill # HB 239
Date: April 15, 1985

IV. AMENDMENTS:

V. PREPARED BY Jane Tillman 

VI. STAFF DIRECTOR Chris Haughee 

By Representative D I Thomas

This publication was produced at a average cost of 1.5 cents per single page for the information of members of the Legislature and the public.

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A bill to be entitled

An act relating to elections; amending ss. 27.01, 98.161, and 100.041, F.S., providing that state attorneys, circuit court clerks, supervisors of elections, sheriffs, property appraisers and tax collectors shall take office upon election; providing an effective date.

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

Section 1. Section 27.01, Florida Statutes, is amended to read:

27.01 State attorneys; number, election, terms.--There shall be a state attorney for each of the judicial circuits, who shall be elected at the general election by the qualified electors of their respective judicial circuits as other state officials are elected, and who shall serve for a term of 4 years. The state attorney shall take office upon election.

Section 2. Subsection (1) of section 98.161, Florida Statutes, is amended to read:

98.161 Supervisor of elections; election, tenure of office, compensation, custody of books, successor, seal.--

(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 election.~~ The supervisor of elections shall take office upon election. Each supervisor shall, before performing any of his duties, take the oath prescribed in s. 5, Art. II of the State Constitution and give a surety bond payable to the

1	Governor in the sum of \$5,000, conditioned on the faithful	
2	discharge of his duties.	1.31
3	Section 3. Subsection (1) of section 100.041, Florida	1.32
4	Statutes, is amended to read:	
5	100.041 Officers chosen at general election.--	1.33
6	(1) State senators shall be elected for terms of 4	1.34
7	years, those from odd-numbered districts in each year the	1.35
8	number of which is a multiple of 4 and those from even-	1.36
9	numbered districts in each even-numbered year the number of	1.37
10	which is not a multiple of 4. Members of the House of	1.40
11	Representatives shall be elected for terms of 2 years in each	
12	even-numbered year. In each county, a clerk of the circuit	1.44
13	court, sheriff, superintendent of schools, property appraiser,	1.45
14	and tax collector shall be chosen by the qualified electors at	1.47
15	the general election in each year the number of which is a	1.49
16	multiple of 4. The Governor and the administrative officers	1.52
17	of the executive branch of the state shall be elected for	1.53
18	terms of 4 years in each even-numbered year the number of	1.54
19	which is not a multiple of 4. The terms of state and county	1.56
20	offices other than the terms of members of the Legislature,	1.59
21	<u>clerks of the circuit courts, sheriffs, property appraisers,</u>	
22	<u>tax collectors</u> and of superintendents of schools shall begin	1.62
23	on the first Tuesday after the first Monday in January after	1.63
24	said election. The term of office of each member of the	1.65
25	Legislature <u>and each clerk of the circuit court, sheriff,</u>	
26	<u>property appraiser and tax collector</u> shall begin upon	1.67
27	election.	
28	Section 4. This act shall take effect upon becoming a	1.68
29	law.	
30	HOUSE SUMMARY	
31	Provides that state attorneys, circuit court clerks, supervisors of elections, sheriffs, property appraisers and tax collectors shall take office upon election.	

By Representative B L. Johnson

This publication was produced at an average cost of 1.5 cents per single page for the information of members of the Legislature and the public.

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A bill to be entitled

An act relating to elections; amending s.
100.041, P.S., changing the date at which the
terms of certain county and district officers
begin; providing an effective date.

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

Section 1. Subsections (1) and (4) of section 100.041,
Florida Statutes, are amended to read:

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 and-county
offices other than the terms of members of the Legislature and
~~of-superintendents-of-schools~~ 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.

1 ~~(4) Except as provided in subsections (2) and (3),~~ The
2 term of office of each county and each district officer not
3 otherwise provided by law shall commence on the second first
4 Tuesday after the first Monday in January following his
5 election.

6 Section 2. This act shall not shorten the terms of any
7 county or district officer serving as of the effective date of
8 this act.

9 Section 3. This act shall take effect October 1, 1965.

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HOUSE SUMMARY

Provides that the term of each county and each district officer not otherwise provided by law shall commence on the second Tuesday following his election.

By Committee on Ethics & Elections and Representatives B. L. Johnson,
D. L. Thomas, Allen, and Jennings

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A bill to be entitled

An act relating to elections; amending ss.
98.161 and 100.041, F.S., changing the date at
which the terms of certain county and district
officers begin; providing an effective date.

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

Section 1. Subsection (1) of section 98.161, Florida
Statutes, is amended to read:

98.161 Supervisor of elections; election, tenure of
office, compensation, custody of books, successor, seal.--

(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 second first Tuesday following ~~after the first Monday in~~
~~January~~ succeeding his election. Each supervisor shall,
before performing any of his duties, take the oath prescribed
in s. 5, Art. II of the State Constitution and give a surety
bond payable to the Governor in the sum of \$5,000, conditioned
on the faithful discharge of his duties.

amended

Section 2. Subsections (1) and (4) of section 100.041,
Florida Statutes, are amended to read:

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

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single page in compliance with the rules and for the information
of members of the Legislature and the public.

1 court, ^{ck}sheriff, ^{sk}superintendent of schools, ^{plm}property appraiser,
 2 and tax ^{ck}collector shall be chosen by the qualified electors at
 3 the general election in each year the number of which is a
 4 multiple of 4. The Governor and the administrative officers
 5 of the executive branch of the state shall be elected for
 6 terms of 4 years in each even-numbered year the number of
 7 which is not a multiple of 4. The terms of state and county
 8 offices other than the terms of members of the Legislature and
 9 of ~~superintendents of schools~~ shall begin on the first Tuesday
 10 after the first Monday in January after said election. The
 11 term of office of each member of the Legislature shall begin
 12 upon election.

13 (4) ~~Except as provided in subsections (2) and (3),~~ The
 14 term of office of each county and each district officer not
 15 otherwise provided by law shall commence on the second first
 16 Tuesday ~~after the first Monday in January~~ following his
 17 election. >

18 Section 3. This act shall not shorten the terms of any
 19 county or district officer serving as of the effective date of
 20 this act.

21 Section 4. This act shall take effect January 1, 1986.

22 *****

25 HOUSE SUMMARY

26 Provides that the term of each supervisor of elections
 27 and each county and each district officer not otherwise
 28 provided by law shall commence on the second Tuesday
 29 following his election.
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STORAGE NAME: CS 227/239 sa

Date: March 26, 1985
Revised: April 18, 1985
Final: June 5, 1985

HOUSE OF REPRESENTATIVES
COMMITTEE ON Ethics and Elections
STAFF ANALYSIS

BILL# CS/HB 227 & 239

SPONSOR Committee on Ethics and Elections and Reps. B. Johnson & D. Thomas

EFFECTIVE DATE Jan. 1, 1986 IDENTICAL/SIMILAR BILLS _____

RELATING TO Terms of office for certain county and district officers

OTHER COMMITTEES OF REFERENCE None

I. SUMMARY:

Present law provides that officers chosen at the general election begin their terms on the following dates: legislators, upon election; school board members, county commissioners, and superintendents of schools - on the second Tuesday following the general election; and, governor and cabinet officials, state attorneys, public defenders, sheriffs, clerks of the circuit courts, property appraisers, tax collectors, and supervisors of elections take office on the first Tuesday after the first Monday in January following the general election.

Proposed language would result in county officers' terms of office commencing on the second Tuesday after the general election. The bill has prospective application only and would not shorten the terms of any county or district officer serving as of Jan. 1, 1986.

II. ECONOMIC IMPACT: None

III. COMMENTS: SB 22 by Senator Hair and others passed the legislature. CS/HB 227 & 239 was amended onto SB 22 with the tax collectors and supervisors of elections deleted from the provisions of the bill.

IV. AMENDMENTS:

V. PREPARED BY Jane C. Tillman 

VI. STAFF DIRECTOR Chris Haughee 

STORAGE NAME: HB 227-85 sa

Date: March 26, 1985

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON Ethics and Elections
STAFF ANALYSIS

BILL# HB 227 SPONSOR Rep. B. L. Johnson

EFFECTIVE DATE Oct. 1, 1985

IDENTICAL/SIMILAR BILLS HB 239

RELATING TO Terms of office for certain county and district officers

OTHER COMMITTEES OF REFERENCE None

I. SUMMARY:


Present law provides that officers chosen at the general election begin their terms on the following dates: legislators, upon election; school board members, county commissioners, and superintendents of schools - on the second Tuesday following the general election; and, governor and cabinet officials, state attorneys, public defenders, sheriffs, clerks of the circuit courts, property appraisers, tax collectors, and supervisors of elections take office on the first Tuesday after the first Monday in January following the general election.

Proposed language would result in county officers' terms of office commencing on the second Tuesday after the general election. The bill has prospective application only and would not affect the current terms of officeholders.

II. ECONOMIC IMPACT: None

III. COMMENTS:

IV. AMENDMENTS:

V. PREPARED BY Jane C. Tillman 

VI. STAFF DIRECTOR Chris Haughee 

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Christensen</u>	<u>Lester</u>	1. <u>JCI</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Elections

BILL NO. AND SPONSOR:

CS/HBs 227 and 239 by
Ethics & Elections Committee
& Reps. B.L. Johnson,
D.L. Thomas, Allen, Jennings

I. SUMMARY:

A. Present Situation:

Section 98.161, F.S., relating to the supervisor of elections, provides that the term of the supervisor commences on the first Tuesday after the first Monday in January succeeding his election in the general election.

Section 100.041, F.S., relating to officers chosen at the general election, provides that the terms of state and county officers other than the terms of legislators and of superintendants of schools begin on the first Tuesday after the first Monday in January after the general election.

B. Effect of Proposed Changes:

This bill amends s. 98.161, F.S., to provide that the term of supervisor of elections commences on the second Tuesday after his election in the general election.

This bill amends s. 100.041, F.S., to provide that the term of each county and district officer, not otherwise provided by law, commences on the second Tuesday after his election.

The bill provides that its provisions shall not shorten the terms of any county or district officer serving as of the bill's effective date (January 1, 1986).

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

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accepts contributions after becoming an unopposed candidate will be guilty of a first degree misdemeanor.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Unopposed candidates may be limited in the amount of funds they can collect and expend.

B. Government:

Enforcing the provisions of this bill may require some expenditure by the Division of Elections.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Christensen	Lester <i>FL</i>	1. JCI	Fav
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Campaign Financing

BILL NO. AND SPONSOR:

SB 22 by
Senators Hair and Jenne

I. SUMMARY:

A. Present Situation:

Section 106.11, F.S., provides definitions for Chapter 106.

Section 106.07(1), F.S., requires an unopposed candidate to file a contribution and expenditure report on the Friday preceding the general election.

Section 106.08(2), F.S., provides that any contribution received by a candidate after the candidate withdraws, is defeated, or is elected shall be returned to the contributor and not expended by the candidate. A candidate who knowingly and willfully fails or refuses to return such received contribution is guilty of a first degree misdemeanor.

Section 106.141, F.S., requires a candidate to dispose of surplus campaign funds within 90 days of withdrawal, elimination from candidacy, or election. Any candidate who accepts contributions after withdrawal, elimination, or election is guilty of a first degree misdemeanor.

B. Effect of Proposed Changes:

This bill amends s. 106.11, F.S., to define "unopposed candidate."

This bill amends s. 106.07(1), F.S., to require an unopposed candidate to file a report of contributions and expenditures within 15 days after the date the candidate becomes unopposed, in addition to the report presently required on the Friday preceding the general election.

This bill adds a phrase to s. 106.08(2), F.S., to provide that any contribution received by a candidate after he becomes unopposed shall be returned to the contributor and not expended by the candidate, as presently required of candidates when they withdraw, are defeated, or are elected. An unopposed candidate who knowingly and willfully fails or refuses to return such received contribution will be guilty of a first degree misdemeanor.

This bill adds a subsection to s. 106.141, F.S., to require an unopposed candidate to dispose of campaign funds within 90 days after the general election, as required of opposed candidates. Further, an unopposed candidate may not accept contributions to or expend funds from the campaign account after the candidate is unopposed, except as authorized by this section and provided that funds obligated to be spent prior to the date on which the candidate became unopposed may be expended. Any candidate who

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1 A bill to be entitled
 2 An act relating to campaign financing; amending
 3 ss. 106.011, 106.07, 106.08, 106.141, F.S.;
 4 defining "unopposed candidate"; providing
 5 reporting requirements and filing deadlines for
 6 unopposed candidates; restricting use of
 7 campaign accounts of unopposed candidates;
 8 prohibiting acceptance of certain contributions
 9 and expenditure of funds; providing penalties;
 10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (14) is added to section
 15 106.011, Florida Statutes, 1984 Supplement, to read:
 16 106.011 Definitions.--As used in this chapter, the
 17 following terms have the following meanings unless the context
 18 clearly indicates otherwise:

19 (14) "Unopposed candidate" means a candidate for
 20 nomination or election to an office who, at any time after the
 21 last day on which any person, including a write-in candidate,
 22 may qualify, is without opposition in the election at which
 23 the office is to be filled. A candidate is not an unopposed
 24 candidate if there is a vacancy to be filled under s.
 25 100.111(4) or if the candidate is seeking retention as a
 26 justice of the Supreme Court or as a judge of a district court
 27 of appeal.

28 Section 2. Subsection (1) of section 106.07, Florida
 29 Statutes, 1984 Supplement, is amended to read:

30 106.07 Reports, certification and filing.--
 31

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1 (1) Each campaign treasurer designated by a candidate
2 or political committee pursuant to s. 106.021 shall file
3 regular reports of all contributions received, and all
4 expenditures made, by or on behalf of such candidate or
5 political committee

6 (a) Reports shall be filed on the 10th day following
7 the end of each calendar quarter from the time the campaign
8 treasurer is appointed. Following the last day of qualifying
9 for office, the reports shall be filed:

10 1. Within 15 days after the date on which a candidate
11 becomes an unopposed candidate, and on the Friday preceding
12 the general election, for a candidate who is unopposed in
13 seeking nomination and election to any office.

14 2. On the 4th, 18th, and 32nd days immediately
15 preceding each election, for a candidate who is opposed in
16 seeking nomination or election to any office, for a political
17 committee, or for a committee of continuous existence.

18 (b) Any opposed primary candidate filing reports
19 pursuant to subparagraph (a)2. who is unopposed in the general
20 election need only file within 15 days after the date on which
21 the candidate becomes an unopposed candidate and on the Friday
22 immediately preceding the general election.

23 Section 3. Subsections (1) and (2) of section 106.08,
24 Florida Statutes, are amended to read:

25 106.08 Contributions; limitations on.--

26 (1) No person or political committee shall make
27 contributions to any candidate or political committee in this
28 state, for any election, in excess of the following amounts:

29 (a) To a candidate for countywide office or to a
30 candidate in any election conducted on less than a countywide
31 basis, \$1,000.

- 1 (b) To a candidate for legislative or multicounty
2 office, \$1,000.
- 3 (c) To a candidate for statewide office, \$3,000.
- 4 (d) To any political committee in support of, or in
5 opposition to, an issue to be voted on in a statewide
6 election, \$3,000.
- 7 (e) To any political committee in support of, or in
8 opposition to, an issue to be voted on in a countywide,
9 districtwide, or less than countywide election, \$1,000.
- 10 (f) To a political committee supporting or opposing
11 one or more candidates, \$1,000.
- 12 (g) To a candidate for county court judge or circuit
13 judge, \$1,000.
- 14 (h) To a candidate for retention as a judge of a
15 district court of appeal, \$2,000.
- 16 (i) To a candidate for retention as a justice of the
17 Supreme Court, \$3,000.
- 18
- 19 The contribution limits provided in paragraphs (a) through (i)
20 shall not apply to contributions made by a state or county
21 executive committee of a political party regulated by chapter
22 103 or to amounts contributed by a candidate to his own
23 campaign. The limitations provided by this subsection shall
24 apply to each election. For purposes of this subsection the
25 first primary, second primary, and general election shall be
26 deemed separate elections or election time segments, ~~whether~~
27 ~~or not the candidate has opposition in the respective~~
28 ~~elections~~. However, for the purpose of contribution limits
29 with respect to candidates for retention as a justice of the
30 Supreme Court or judge of a district court of appeal, there
31 shall be only one election, which shall be the general

1 election, and with respect to candidates for circuit judge or
2 county court judge, there shall be only two elections, which
3 shall be the first primary election and general election.

4 (2) Any contribution received by a candidate with
5 opposition in an election or the campaign treasurer or a
6 deputy treasurer of such a candidate, or by the treasurer or a
7 deputy treasurer of a political committee supporting or
8 opposing a candidate with opposition or ~~supporting~~ or opposing
9 an issue on the ballot in an election, on the day of that
10 election or less than 5 days prior to the day of that election
11 shall be returned by him to the person or political committee
12 contributing it and shall not be used or expended by or on
13 behalf of the candidate or political committee. Any
14 contribution received by a candidate or the campaign treasurer
15 or a deputy treasurer of a candidate after the date at which
16 the candidate withdraws his candidacy, or after the date the
17 candidate is defeated, becomes unopposed, or is elected to
18 office, shall be returned to the person or political committee
19 contributing it and shall not be used or expended by or on
20 behalf of the candidate.

21 Section 4. Section 106.141, Florida Statutes, 1984
22 Supplement, is amended to read:

23 106.141 Disposition of surplus funds by candidates.--

24 (1) Any candidate who withdraws his candidacy shall,
25 pursuant to this section, within 90 days of withdrawing his
26 candidacy, dispose of the funds on deposit in his campaign
27 account. Such candidate shall not accept any contributions,
28 nor shall any person accept contributions on behalf of such
29 candidate, after the candidate withdraws his candidacy.

30 (2) Any unopposed candidate shall, pursuant to this
31 section, within 90 days after the general election, dispose of

1 the funds on deposit in his campaign account. Such candidate
2 shall not accept any contribution or expend any funds from his
3 campaign account, nor shall any person accept contributions or
4 expend funds from the campaign account on his behalf, after
5 the candidate is unopposed, except as provided herein. This
6 provision shall not, however, prohibit the expenditure of
7 funds from the campaign account which were obligated to be
8 spent or encumbered prior to the date on which the candidate
9 became an unopposed candidate.

10 ~~(3)~~ Each candidate shall, pursuant to this section,
11 within 90 days after having been eliminated as a candidate or
12 elected to office, dispose of the funds on deposit in his
13 campaign account. Such candidate shall not accept any
14 contributions, nor shall any person accept contributions on
15 behalf of such candidate, after the candidate has been
16 eliminated as a candidate or elected to office.

17 ~~(4)~~ All funds on deposit in the campaign account of
18 any candidate, which funds have not been used in a campaign
19 for public office within 2 years from the date the campaign
20 account was established, shall, within 90 days following the
21 second anniversary of the date the campaign account was
22 established, be disposed of pursuant to this section. Such
23 candidate shall not accept any contributions, nor shall any
24 person accept contributions on behalf of such candidate, after
25 the second anniversary of the date the campaign account was
26 established.

27 ~~(5)~~ Any candidate required to dispose of funds
28 pursuant to this section may, prior to such disposition, be
29 reimbursed by the campaign, in full or in part, for any
30 reported contributions by the candidate to the campaign.
31

1 (6)~~(5)~~ The campaign treasurer of a candidate who
2 withdraws his candidacy or who has been eliminated as a
3 candidate or who has been elected to office and who has funds
4 on deposit in a campaign savings account or certificate of
5 deposit shall, within 7 days of the date of such withdrawal,
6 elimination, or election, transfer such funds and accumulated
7 interest earned thereon to the campaign account of the
8 candidate for disposal in accordance with the provisions of
9 this section.

10 (7)~~(6)~~ Any candidate required to dispose of funds
11 pursuant to this section shall, at the option of the
12 candidate, either:

13 (a) Return pro rata to each contributor the funds
14 which have not been spent, or obligated to be spent, with
15 respect to a campaign which has been conducted;

16 (b) Donate the funds which have not been spent, or
17 obligated to be spent, to a charity organization or
18 organizations which meet the qualifications of s. 501(c)(3) of
19 the Internal Revenue Code, with respect to a campaign which
20 has been conducted;

21 (c) Give the funds which have not been spent, or which
22 have not been obligated to be spent, to the political party of
23 which such candidate is a registered member, or

24 (d) Give the funds which have not been spent, or
25 obligated to be spent, with respect to a campaign which has
26 been conducted,

27 1. In the case of a candidate for state office, to the
28 state, to be deposited in the General Revenue Fund, or,

29 2. In the case of a candidate for an office of a
30 political subdivision, to such political subdivision, to be
31 deposited in the general fund thereof.

1 (8)~~(7)~~ A candidate elected to office may dispose of
2 all of the funds in such account in the manner provided in
3 this section or may transfer from the campaign account to an
4 office account any amount of the funds on deposit in such
5 campaign account up to:
6 (a) \$10,000, for a candidate for statewide office.
7 (b) \$5,000, for a candidate for multicounty office.
8 (c) \$2,500 multiplied by the number of years in the
9 term of office for which elected, for a candidate for
10 legislative office.
11 (d) \$2,000, for a candidate for county office or for a
12 candidate in any election conducted on less than a countywide
13 basis.
14 (e) \$6,000, for a candidate for retention as a justice
15 of the Supreme Court.
16 (f) \$3,000, for a candidate for retention as a judge
17 of a district court of appeal.
18 (g) \$1,500, for a candidate for county court judge or
19 circuit judge.
20
21 The office account established pursuant to this subsection
22 shall be separate from any personal or other account. Any
23 funds so transferred by a candidate shall be used only for
24 legitimate expenses in connection with his public office.
25 Such expenses may include travel expenses incurred by the
26 officer or a member of his staff or expenses incurred in the
27 operation of his office, including the employment of
28 additional staff. The funds may be deposited in a savings
29 account, however, all deposits, withdrawals, and interest
30 earned thereon shall be reported at the appropriate reporting
31 period. Any candidate elected to office who transfers funds

1 pursuant to this subsection and who has funds remaining in
2 such office account after a subsequent election at which such
3 candidate is reelected to office or elected to another office
4 shall, pursuant to subsection (7)~~(6)~~, dispose of all funds on
5 deposit in the campaign account established to finance the
6 subsequent campaign which funds have not been spent or
7 obligated to be spent, with respect to such subsequent
8 campaign, except that such candidate may transfer from the
9 campaign account established to finance his campaign in the
10 subsequent election to the account in which the previously
11 transferred funds are deposited in an amount equal to the
12 difference between the amount allowed to be transferred and
13 the amount of unspent funds that are remaining in the office
14 account to be used for legitimate office expenses. Upon
15 leaving public office, any person who has funds in an office
16 account pursuant to this subsection remaining on deposit shall
17 give such funds to a charitable organization or organizations
18 which meet the requirements of s. 501(c)(3) of the Internal
19 Revenue Code or, in the case of a state officer, to the state
20 to be deposited in the General Revenue Fund or, in the case of
21 an officer of a political subdivision, to the political
22 subdivision to be deposited in the general fund thereof.

23 (9)~~(8)~~ Any candidate required to dispose of campaign
24 funds pursuant to this section shall do so within the time
25 required by this section and shall, on or before the date by
26 which such disposition is to have been made, file with the
27 officer with whom reports are required to be filed pursuant to
28 s. 106.07 a form prescribed by the Division of Elections
29 listing:

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31

1 (a) The name and address of each person or unit of
2 government to whom any of the funds were distributed and the
3 amounts thereof;

4 (b) The name and address of each person to whom an
5 expenditure was made, together with the amount thereof and
6 purpose therefor; and

7 (c) The amount of such funds transferred to an office
8 account by the candidate, together with the name and address
9 of the bank in which the office account is located.

10
11 Such report shall be signed by the candidate and the campaign
12 treasurer and certified as true and correct pursuant to s.
13 106.07.

14 ~~(10)~~~~(9)~~ Any candidate elected to office who transfers
15 surplus campaign funds into an office account pursuant to
16 subsection ~~(8)~~~~(7)~~ shall file a report on the 10th day
17 following the end of each calendar quarter until the account
18 is closed. Such reports shall contain the name and address of
19 each person to whom any disbursement of funds was made,
20 together with the amount thereof and the purpose therefor, and
21 the name and address of any person from whom the elected
22 candidate received any refund or reimbursement and the amount
23 thereof. Such reports shall be on forms prescribed by the
24 Division of Elections, signed by the elected candidate,
25 certified as true and correct, and filed with the officer with
26 whom campaign reports were filed pursuant to s. 106.07(2).

27 ~~(11)~~~~(10)~~ Any candidate, or any person on behalf of a
28 candidate, who accepts contributions after such candidate has
29 withdrawn his candidacy, after the candidate has become an
30 unopposed candidate, after the candidate has been eliminated
31 as a candidate or elected to office, or after the second

1 anniversary of the date the campaign account of such candidate
2 was established is guilty of a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083.
4 (12)~~(11)~~ Any candidate who is required by the
5 provisions of this section to dispose of funds in his campaign
6 account and who fails to dispose of the funds in the manner
7 provided in this section is guilty of a misdemeanor of the
8 first degree, punishable as provided in s. 775.082 or s.
9 775.083.
10 Section 5. This act shall take effect July 1, 1985 or
11 upon becoming a law, whichever occurs later.
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SENATE SUMMARY

Defines "unopposed candidate" for purposes of campaign financing. Provides reporting requirements and filing deadlines for unopposed candidates. Limits use of campaign accounts of unopposed candidates and the acceptance of contributions and expenditure of funds.

CODING: Words in ~~struck through~~ type are deletions from existing law, words underlined are additions.