

By Senator Soto

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1 A bill to be entitled
2 An act relating to the Florida Election Code; amending
3 s. 106.011, F.S.; revising the definition of the term
4 "contribution"; amending s. 106.021, F.S.; removing an
5 exception to contribution or expenditure restrictions
6 that authorizes an affiliated party committee or
7 political party to make an expenditure to jointly
8 endorse three or more candidates; amending s. 106.07,
9 F.S.; revising reporting requirements with respect to
10 specifying the purpose of each expenditure; providing
11 a penalty; amending s. 106.08, F.S.; prohibiting the
12 transfer of funds or contributions between
13 electioneering communications organizations, political
14 committees, and political parties; prohibiting elected
15 officers and candidates from soliciting or accepting
16 contributions to or on behalf of a political committee
17 or electioneering communications organization;
18 prohibiting elected officers and candidates from
19 controlling, coordinating, or consulting with respect
20 to the expenditure and raising of funds of a political
21 committee or electioneering communications
22 organization; providing penalties; amending s. 106.15,
23 F.S.; specifying that a candidate may not use a public
24 servant's services during working hours in furtherance
25 of his or her candidacy; prohibiting a person from
26 soliciting or knowingly accepting a political
27 contribution in a government-leased building;
28 providing an exception; amending s. 106.24, F.S.;
29 authorizing the Florida Elections Commission to

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30 conduct audits of reports and statements required
31 under ch. 106, F.S.; requiring the Division of
32 Elections to assist the commission with such audits
33 upon request; amending s. 106.25, F.S.; revising
34 conditions under which the commission may initiate an
35 investigation; authorizing a filing officer to report
36 violations of the Florida Election Code to the
37 commission; authorizing the commission to initiate an
38 investigation upon a supermajority vote of commission
39 members; revising commission jurisdiction to include
40 the nonwillful performance of an act prohibited by
41 chs. 104 and 106, F.S.; removing final order authority
42 for hearings referred to the Division of
43 Administrative Hearings; amending ss. 104.2715,
44 106.023, 106.0703, 106.087, 106.143, and 106.265,
45 F.S.; conforming provisions and cross-references to
46 changes made by the act; reenacting s. 106.0705(3),
47 F.S., relating to electronic filing of campaign
48 treasurer's reports, to incorporate the amendment made
49 to s. 106.07, F.S., in a reference thereto; requiring
50 the Division of Elections to establish a website for
51 state and local campaign filings by a specified date;
52 specifying website requirements; providing an
53 effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Subsection (5) of section 106.011, Florida
58 Statutes, is amended to read:

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59 106.011 Definitions.—As used in this chapter, the following
60 terms have the following meanings unless the context clearly
61 indicates otherwise:

62 (5) "Contribution" means:

63 (a) A gift, subscription, conveyance, deposit, loan,
64 payment, or distribution of money or anything of value,
65 including contributions in kind having an attributable monetary
66 value in any form, made for the purpose of influencing the
67 results of an election or making an electioneering
68 communication.

69 ~~(b) A transfer of funds between political committees,~~
70 ~~between electioneering communications organizations, or between~~
71 ~~any combination of these groups.~~

72 (b)(e) The payment, by a person other than a candidate or
73 political committee, of compensation for the personal services
74 of another person which are rendered to a candidate or political
75 committee without charge to the candidate or committee for such
76 services.

77 (c)(d) The transfer of funds by a campaign treasurer or
78 deputy campaign treasurer between a primary depository and a
79 separate interest-bearing account or certificate of deposit, and
80 the term includes interest earned on such account or
81 certificate.

82

83 Notwithstanding the foregoing meanings of the term
84 "contribution," the term may not be construed to include
85 services, including, but not limited to, legal and accounting
86 services, provided without compensation by individuals
87 volunteering a portion or all of their time on behalf of a

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88 candidate or political committee or editorial endorsements.

89 Section 2. Subsection (3) of section 106.021, Florida
90 Statutes, is amended to read:

91 106.021 Campaign treasurers; deputies; primary and
92 secondary depositories.—

93 (3) A ~~No~~ contribution or expenditure, including
94 contributions or expenditures of a candidate or of the
95 candidate's family, may not ~~shall~~ be directly or indirectly made
96 or received in furtherance of the candidacy of any person for
97 nomination or election to political office in the state or on
98 behalf of any political committee except through the duly
99 appointed campaign treasurer of the candidate or political
100 committee, subject to the following exceptions:

101 (a) Independent expenditures;

102 (b) Reimbursements to a candidate or any other individual
103 for expenses incurred in connection with the campaign or
104 activities of the political committee by a check drawn upon the
105 campaign account and reported pursuant to s. 106.07(4). The full
106 name of each person to whom the candidate or other individual
107 made payment for which reimbursement was made by check drawn
108 upon the campaign account shall be reported pursuant to s.
109 106.07(4), together with the purpose of such payment; or

110 (c) Expenditures made indirectly through a treasurer for
111 goods or services, such as communications media placement or
112 procurement services, campaign signs, insurance, or other
113 expenditures that include multiple integral components as part
114 of the expenditure and reported pursuant to s. 106.07(4) (a) 13. ~~†~~
115 ~~or~~

116 ~~(d) Expenditures made directly by any affiliated party~~

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117 ~~committee or political party regulated by chapter 103 for~~
118 ~~obtaining time, space, or services in or by any communications~~
119 ~~medium for the purpose of jointly endorsing three or more~~
120 ~~candidates, and any such expenditure may not be considered a~~
121 ~~contribution or expenditure to or on behalf of any such~~
122 ~~candidates for the purposes of this chapter.~~

123 Section 3. Paragraph (a) of subsection (4) and paragraph
124 (b) of subsection (8) of section 106.07, Florida Statutes, are
125 amended, present paragraphs (c) and (d) of subsection (8) are
126 redesignated as paragraphs (d) and (e), respectively, and a new
127 paragraph (c) is added to that subsection, to read:

128 106.07 Reports; certification and filing.—

129 (4) (a) Except for daily reports, to which only the
130 contributions provisions below apply, and except as provided in
131 paragraph (b), each report required by this section must
132 contain:

133 1. The full name, address, and occupation, if any, of each
134 person who has made one or more contributions to or for such
135 committee or candidate within the reporting period, together
136 with the amount and date of such contributions. For
137 corporations, the report must provide as clear a description as
138 practicable of the principal type of business conducted by the
139 corporation. However, if the contribution is \$100 or less or is
140 from a relative, as defined in s. 112.312, provided that the
141 relationship is reported, the occupation of the contributor or
142 the principal type of business need not be listed.

143 2. The name and address of each political committee from
144 which the reporting committee or the candidate received, or to
145 which the reporting committee or candidate made, any transfer of

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146 funds, together with the amounts and dates of all transfers.

147 3. Each loan for campaign purposes to or from any person or
148 political committee within the reporting period, together with
149 the full names, addresses, and occupations, and principal places
150 of business, if any, of the lender and endorsers, if any, and
151 the date and amount of such loans.

152 4. A statement of each contribution, rebate, refund, or
153 other receipt not otherwise listed under subparagraphs 1.
154 through 3.

155 5. The total sums of all loans, in-kind contributions, and
156 other receipts by or for such committee or candidate during the
157 reporting period. The reporting forms shall be designed to
158 elicit separate totals for in-kind contributions, loans, and
159 other receipts.

160 6. The full name and address of each person to whom
161 expenditures have been made by or on behalf of the committee or
162 candidate within the reporting period; the amount, date, and
163 purpose of each such expenditure; and the name and address of,
164 and office sought by, each candidate on whose behalf such
165 expenditure was made. The purpose of each expenditure must
166 specify the name of the candidate, issue, or position that the
167 expenditure is intended to support or oppose. However,
168 expenditures made from the petty cash fund provided by s. 106.12
169 need not be reported individually.

170 7. The full name and address of each person to whom an
171 expenditure for personal services, salary, or reimbursement for
172 authorized expenses as provided in s. 106.021(3) has been made
173 and which is not otherwise reported, including the amount, date,
174 and purpose of such expenditure. However, expenditures made from

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175 the petty cash fund provided for in s. 106.12 need not be
176 reported individually. Receipts for reimbursement for authorized
177 expenditures shall be retained by the treasurer along with the
178 records for the campaign account.

179 8. The total amount withdrawn and the total amount spent
180 for petty cash purposes pursuant to this chapter during the
181 reporting period.

182 9. The total sum of expenditures made by such committee or
183 candidate during the reporting period.

184 10. The amount and nature of debts and obligations owed by
185 or to the committee or candidate, which relate to the conduct of
186 any political campaign.

187 11. Transaction information for each credit card purchase.
188 Receipts for each credit card purchase shall be retained by the
189 treasurer with the records for the campaign account.

190 12. The amount and nature of any separate interest-bearing
191 accounts or certificates of deposit and identification of the
192 financial institution in which such accounts or certificates of
193 deposit are located.

194 13. The primary purposes of an expenditure made indirectly
195 through a campaign treasurer pursuant to s. 106.021(3) for goods
196 and services such as communications media placement or
197 procurement services, campaign signs, insurance, and other
198 expenditures that include multiple components as part of the
199 expenditure. The primary purpose of an expenditure shall be that
200 purpose, including integral and directly related components,
201 that comprises 80 percent of such expenditure.

202 (8)

203 (b) Upon determining that a report is late, the filing

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204 officer shall immediately notify the candidate or chair of the
205 political committee as to the failure to file a report by the
206 designated due date and that a fine is being assessed for each
207 late day. The fine is \$50 per day for the first 3 days late and,
208 thereafter, \$500 per day for each late day, not to exceed 25
209 percent of the total receipts or expenditures, whichever is
210 greater, for the period covered by the late report. However, for
211 the reports immediately preceding each special primary election,
212 special election, primary election, and general election, the
213 fine is \$500 per day for each late day, not to exceed 25 percent
214 of the total receipts or expenditures, whichever is greater, for
215 the period covered by the late report. For reports required
216 under s. 106.141(8), the fine is \$50 per day for each late day,
217 not to exceed 25 percent of the total receipts or expenditures,
218 whichever is greater, for the period covered by the late report.
219 Upon receipt of the report, the filing officer shall determine
220 the amount of the fine which is due and shall notify the
221 candidate or chair or registered agent of the political
222 committee. The filing officer shall determine the amount of the
223 fine due based upon the earliest of the following:

- 224 1. When the report is actually received by such officer.
 - 225 2. When the report is postmarked.
 - 226 3. When the certificate of mailing is dated.
 - 227 4. When the receipt from an established courier company is
228 dated.
 - 229 5. When the electronic receipt issued pursuant to s.
230 106.0705 or other electronic filing system authorized in this
231 section is dated.
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233 Such fine shall be paid to the filing officer within 20 days
234 after receipt of the notice of payment due, unless appeal is
235 made to the Florida Elections Commission pursuant to paragraph
236 (d) ~~(e)~~. Notice is deemed complete upon proof of delivery of
237 written notice to the mailing or street address on record with
238 the filing officer. In the case of a candidate, such fine is not
239 an allowable campaign expenditure and shall be paid only from
240 personal funds of the candidate. An officer or member of a
241 political committee is not personally liable for such fine.

242 (c) Notwithstanding any other law and in addition to any
243 fine assessed pursuant to paragraph (b), the commission shall
244 assess a civil penalty of up to \$5,000 against any candidate who
245 has repeatedly late filed a report required under this section.
246 The commission shall deposit any penalty assessed pursuant to
247 this paragraph into the General Revenue Fund.

248 Section 4. Paragraph (c) is added to subsection (6) of
249 section 106.08, Florida Statutes, and paragraph (c) is added to
250 subsection (7) of that section, to read:

251 106.08 Contributions; limitations on.-

252 (6)

253 (c) A transfer of funds or any contribution between
254 electioneering communications organizations, between political
255 committees, between political parties, or between any
256 combination of such groups is prohibited.

257 (7)

258 (c) Any elected officer or any candidate for elective
259 office may not, directly or indirectly, solicit, cause to be
260 solicited, or accept any contribution to or on behalf of a
261 political committee or an electioneering communications

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262 organization and may not control, coordinate, or consult
263 regarding the expenditure or raising of funds for any such
264 committee or organization. Notwithstanding any other provision
265 of this chapter, any person who knowingly and willfully violates
266 any provision of this paragraph commits a felony of the third
267 degree, punishable as provided in s. 775.082, s. 775.083, or s.
268 775.084.

269 Section 5. Subsections (3) and (4) of section 106.15,
270 Florida Statutes, are amended, and subsection (5) of that
271 section is republished, to read:

272 106.15 Certain acts prohibited.—

273 (3) A candidate may not, in the furtherance of his or her
274 candidacy for nomination or election to public office in any
275 election, use the services of any state, county, municipal, or
276 district officer, ~~or~~ employee, or other public servant during
277 working hours.

278 (4) A ~~No~~ person may not shall ~~make, and no person shall~~
279 solicit, or knowingly accept any political contribution in a
280 building owned or leased by a governmental entity. For purposes
281 of this subsection, the term "accept" means to receive a
282 contribution by personal hand delivery from a contributor or the
283 contributor's agent. This subsection does shall not apply when a
284 government-owned or government-leased building or any portion
285 thereof is rented for the specific purpose of holding a campaign
286 fund raiser.

287 (5) Any person violating the provisions of this section
288 commits a misdemeanor of the first degree, punishable as
289 provided in s. 775.082 or s. 775.083.

290 Section 6. Present subsections (6), (7), and (8) of section

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291 106.24, Florida Statutes, are redesignated as subsections (7),
292 (8), and (9), respectively, and a new subsection (6) is added to
293 that section, to read:

294 106.24 Florida Elections Commission; membership; powers;
295 duties.—

296 (6) The commission is authorized to conduct audits of
297 reports and statements filed by candidates pursuant to the
298 requirements of this chapter. The division shall assist the
299 commission with any audits conducted pursuant to this
300 subsection, upon the commission's request.

301 Section 7. Section 106.25, Florida Statutes, is amended to
302 read:

303 106.25 Reports of alleged violations to Florida Elections
304 Commission; disposition of findings.—

305 (1) Jurisdiction to investigate and determine violations of
306 this chapter and chapter 104 is vested in the Florida Elections
307 Commission; however, ~~nothing in~~ does not limit
308 ~~limits~~ the jurisdiction of any other officers or agencies of
309 government authorized ~~empowered~~ by law to investigate, act upon,
310 or dispose of alleged violations of this code.

311 (2) The commission shall investigate all violations of this
312 chapter and chapter 104. The commission may begin an
313 investigation, but only after having received either a sworn
314 complaint, or information reported to it under this subsection
315 by the division or other filing officer, or after approval by a
316 supermajority vote of the commission as provided in subsection

317 (3) of Elections. Such sworn complaint must be based upon
318 ~~personal information or information other than hearsay.~~ Any
319 person, other than the division or other filing officer, having

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320 information of any violation of this chapter or chapter 104
321 shall file a sworn complaint with the commission. The commission
322 shall investigate only those alleged violations specifically
323 contained within the sworn complaint. If any complainant fails
324 to allege all violations that arise from the facts or
325 allegations alleged in a complaint, the commission shall be
326 barred from investigating a subsequent complaint from such
327 complainant that is based upon such facts or allegations that
328 were raised or could have been raised in the first complaint. If
329 the complaint includes allegations of violations relating to
330 expense items reimbursed by a candidate, committee, or
331 organization to the campaign account before a sworn complaint is
332 filed, the commission is ~~shall be~~ barred from investigating such
333 allegations. Such sworn complaint must ~~shall~~ state whether a
334 complaint of the same violation has been made to a ~~any~~ state
335 attorney. Within 5 days after receipt of a sworn complaint, the
336 commission shall transmit a copy of the complaint to the alleged
337 violator. The respondent shall have 14 days after receipt of the
338 complaint to file an initial response, and the executive
339 director may not determine the legal sufficiency of the
340 complaint during that time period. If the executive director
341 finds that the complaint is legally sufficient, the respondent
342 shall be notified of such finding by letter, which sets forth
343 the statutory provisions alleged to have been violated and the
344 alleged factual basis that supports the finding. All sworn
345 complaints alleging violations of the Florida Election Code over
346 which the commission has jurisdiction shall be filed with the
347 commission within 2 years after the alleged violations. The
348 period of limitations is tolled on the day a sworn complaint is

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349 filed with the commission. The complainant may withdraw the
350 sworn complaint at any time before ~~prior to~~ a probable cause
351 hearing if good cause is shown. Withdrawal must ~~shall~~ be
352 requested in writing, signed by the complainant, and witnessed
353 by a notary public, stating the facts and circumstances
354 constituting good cause. The executive director shall prepare a
355 written recommendation regarding disposition of the request
356 which shall be given to the commission together with the
357 request. The term "good cause" shall be determined based upon
358 the legal sufficiency or insufficiency of the complaint to
359 allege a violation and the reasons given by the complainant for
360 wishing to withdraw the complaint. If withdrawal is permitted,
361 the commission must close the investigation and the case. No
362 further action may be taken. The complaint becomes ~~will become~~ a
363 public record at the time of withdrawal.

364 (3) The commission may initiate on its own volition an
365 investigation of an alleged violation of this chapter or chapter
366 104. Upon a written complaint executed under oath or affirmation
367 by the executive director of the commission, the commission
368 shall meet to determine if the commission should initiate an
369 investigation. In order to begin a preliminary investigation,
370 the commission must vote to approve the investigation by an
371 affirmative vote of six of the nine members. Within 5 days after
372 the commission approves the preliminary investigation, a copy of
373 the commission's complaint shall be transmitted to the alleged
374 violator.

375 (4) ~~(3)~~ For the purposes of commission jurisdiction, a
376 violation means ~~shall mean~~ the willful or nonwillful performance
377 of an act prohibited by this chapter or chapter 104 or the

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378 willful or nonwillful failure to perform an act required by this
379 chapter or chapter 104. The commission may not by rule determine
380 what constitutes willfulness or further define the term
381 "willful" for purposes of this chapter or chapter 104.
382 Willfulness is a determination of fact; however, at the request
383 of the respondent at any time after probable cause is found,
384 willfulness may be considered and determined in an informal
385 hearing before the commission.

386 (5)~~(4)~~ The commission shall undertake a preliminary
387 investigation to determine if the facts alleged in a sworn
388 complaint or a matter initiated by the division or other filing
389 officer constitute probable cause to believe that a violation
390 has occurred.

391 (a) When the investigator's report is completed, the
392 executive director shall notify the respondent that the report
393 is completed and shall send to the respondent a copy of the
394 investigator's report. The investigatory file and main complaint
395 file shall be open for inspection by the respondent and the
396 respondent's counsel at that time, and copies may be obtained at
397 no more than cost.

398 (b) The respondent shall be given at least ~~not less than~~ 14
399 days from the date of mailing of the investigator's report to
400 file with the commission a written response to the
401 investigator's report. This time period may be shortened with
402 the consent of the respondent, or without the consent of the
403 respondent when the passage of time could reasonably be expected
404 to render moot the ultimate disposition of the matter by the
405 commission so long as reasonable notice under the circumstances
406 is given.

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407 (c) Counsel for the commission shall review the
408 investigator's report and shall make a written recommendation to
409 the commission for the disposition of the complaint. If the
410 counsel for the commission recommends that the commission find
411 probable cause, the recommendation shall include a statement of
412 what charges shall be at issue. A copy of the recommendation
413 shall be furnished to the respondent. The respondent shall be
414 given at least ~~not less than~~ 14 days from the date of mailing of
415 the recommendation of counsel for the commission to file with
416 the commission a written response to the recommendation. This
417 time period may be shortened with the consent of the respondent,
418 or without the consent of the respondent when the passage of
419 time could reasonably be expected to render moot the ultimate
420 disposition of the matter by the commission, so long as the
421 recommendation is furnished to the respondent within a
422 reasonable period of time under the circumstances.

423 (d) The respondent and each complainant, their counsel, and
424 the counsel for the commission is authorized ~~shall be permitted~~
425 to attend the hearing at which the probable cause determination
426 is made. Notice of the hearing shall be sent to the respondent,
427 each complainant, and counsel for the commission at least 14
428 days before the hearing. This time period may be shortened with
429 the consent of the respondent, or without the consent of the
430 respondent when the passage of time could reasonably be expected
431 to render moot the ultimate disposition of the matter by the
432 commission, so long as the notice is furnished within a
433 reasonable period of time under the circumstances.

434 (e) The probable cause determination is the conclusion of
435 the preliminary investigation. The respondent and the counsel

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436 for the commission are authorized ~~shall be permitted~~ to make
437 brief oral statements in the nature of oral argument to the
438 commission, based on the investigator's report, before the
439 probable cause determination. The commission's determination
440 shall be based upon the investigator's report, the
441 recommendation of counsel for the commission, the complaint, and
442 staff recommendations, as well as any written statements
443 submitted by the respondent and any oral statements made at the
444 hearing. No testimony or other evidence will be accepted at the
445 hearing.

446 (f) At its meeting to determine probable cause, the
447 commission may continue its determination to allow further
448 investigation; may order the issuance of a public report of its
449 investigation if it finds no probable cause to believe that
450 there has been a violation of this chapter or chapter 104,
451 concluding the matter before it; may order a final, public
452 hearing of the complaint if it finds probable cause to believe
453 that there has been a violation of this chapter or chapter 104;
454 or may take such other action as it deems necessary to resolve
455 the complaint, consistent with due process of law. In making its
456 determination, the commission may consider:

- 457 1. The sufficiency of the evidence against the respondent,
458 as contained in the investigator's report;
- 459 2. The admissions and other stipulations of the respondent,
460 if any;
- 461 3. The nature and circumstances of the respondent's
462 actions;
- 463 4. The expense of further proceedings; and
- 464 5. Such other factors as it deems material to its decision.

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466 If the commission finds probable cause, the commission shall
467 determine what charges shall be at issue.

468 (g) If no probable cause is found, the commission shall
469 dismiss the case and the case shall become a matter of public
470 record, except as otherwise provided in this section, together
471 with a written statement of the findings of the preliminary
472 investigation and a summary of the facts which the commission
473 shall send to the complainant and the alleged violator. A
474 finding of no probable cause by the commission is a full
475 adjudication of all such matters. The commission may not charge
476 a respondent in a subsequent complaint alleging violations based
477 upon the same actions, nonactions, or circumstances wherein the
478 commission found no probable cause.

479 (h) If probable cause is found, the commission shall so
480 notify the complainant and the alleged violator in writing. All
481 documents made or received in the disposition of the complaint
482 shall become public records upon a finding by the commission.

483 (i)1. Upon a commission finding of probable cause, the
484 counsel for the commission shall attempt to reach a consent
485 agreement with the respondent. At any time, the commission may
486 enter into a consent order with a respondent without requiring
487 the respondent to admit to a violation of law within the
488 jurisdiction of the commission.

489 2. A consent agreement is not binding upon either party
490 unless and until it is signed by the respondent and by counsel
491 for the commission upon approval by the commission.

492 3. Nothing herein shall be construed to prevent the
493 commission from entering into a consent agreement with a

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494 respondent prior to a commission finding of probable cause if a
495 respondent indicates in writing a desire to enter into
496 negotiations directed towards reaching such a consent agreement.
497 Any consent agreement reached under this subparagraph is subject
498 to the provisions of subparagraph 2. and shall have the same
499 force and effect as a consent agreement reached after the
500 commission finding of probable cause.

501 (j) If a consent agreement is reached between the
502 commission and the respondent, counsel for the commission shall
503 send a copy of the signed agreement to both complainant and
504 respondent.

505

506 In a case where probable cause is found, the commission shall
507 make a preliminary determination to consider the matter or to
508 refer the matter to the state attorney for the judicial circuit
509 in which the alleged violation occurred. Notwithstanding any
510 other provisions of this section, the commission may, at its
511 discretion, dismiss any complaint at any stage of disposition if
512 it determines that the public interest would not be served by
513 proceeding further, in which case the commission shall issue a
514 public report stating with particularity its reasons for the
515 dismissal.

516 (6) (5) If there are disputed issues of material fact in a
517 proceeding conducted under ss. 120.569 and 120.57, a person
518 alleged by the Elections commission to have committed a
519 violation of this chapter or chapter 104 may elect, as a matter
520 of right, within 30 days after the date of the filing of the
521 commission's allegations, to have a ~~formal administrative~~
522 hearing conducted by an administrative law judge in the Division

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523 of Administrative Hearings. ~~The administrative law judge in such~~
524 ~~proceedings shall enter a final order, which may include the~~
525 ~~imposition of civil penalties, subject to appeal as provided in~~
526 ~~s. 120.68. If the person does not elect to have a hearing by an~~
527 ~~administrative law judge and does not elect to resolve the~~
528 ~~complaint by a consent order, the person is entitled to a formal~~
529 ~~or informal hearing conducted before the commission.~~

530 (7)~~(6)~~ It is the duty of a state attorney receiving a
531 complaint referred by the commission to investigate the
532 complaint promptly and thoroughly; to undertake such criminal or
533 civil actions as are justified by law; and to report to the
534 commission the results of such investigation, the action taken,
535 and the disposition thereof. The failure or refusal of a state
536 attorney to prosecute or to initiate action upon a complaint or
537 a referral by the commission does ~~shall~~ not bar further action
538 by the commission under this chapter.

539 (8)~~(7)~~ Every sworn complaint filed pursuant to this chapter
540 with the commission, every investigation and investigative
541 report or other paper of the commission with respect to a
542 violation of this chapter or chapter 104, and every proceeding
543 of the commission with respect to a violation of this chapter or
544 chapter 104 is confidential, is exempt from the provisions of
545 ss. 119.07(1) and 286.011, and is exempt from publication in the
546 Florida Administrative Register of any notice or agenda with
547 respect to any proceeding relating to such violation, except
548 under the following circumstances:

- 549 (a) As provided in subsection (7) ~~(6)~~;
- 550 (b) Upon a determination of probable cause or no probable
551 cause by the commission; or

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552 (c) For proceedings conducted with respect to appeals of
553 fines levied by filing officers for the late filing of reports
554 required by this chapter.

555
556 However, a complainant is not bound by the confidentiality
557 provisions of this section. In addition, confidentiality may be
558 waived in writing by the person against whom the complaint has
559 been filed or the investigation has been initiated. If a finding
560 of probable cause in a case is entered within 30 days before
561 ~~prior to~~ the date of the election with respect to which the
562 alleged violation occurred, such finding and the proceedings and
563 records relating to such case may shall not become public until
564 noon of the day following such election. When two or more
565 persons are being investigated by the commission with respect to
566 an alleged violation of this chapter or chapter 104, the
567 commission may not publicly enter a finding of probable cause or
568 no probable cause in the case until a finding of probable cause
569 or no probable cause for the entire case has been determined.
570 However, once the confidentiality of any case has been breached,
571 the person or persons under investigation have the right to
572 waive the confidentiality of the case, thereby opening up the
573 proceedings and records to the public. Any person who discloses
574 any information or matter made confidential by the provisions of
575 this subsection commits a misdemeanor of the first degree,
576 punishable as provided in s. 775.082 or s. 775.083.

577 (9)~~(8)~~ Any person who files a complaint pursuant to this
578 section while knowing that the allegations contained in such
579 complaint are false or without merit commits a misdemeanor of
580 the first degree, punishable as provided in s. 775.082 or s.

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581 775.083.

582 (10)~~(9)~~ The commission shall maintain a database of all
583 final orders and agency actions. Such database shall be
584 available to the public and shall be maintained in such a manner
585 as to be searchable, at a minimum, by issue, statutes,
586 individuals, or entities referenced.

587 Section 8. Subsections (3) and (4) of section 104.2715,
588 Florida Statutes, are amended to read:

589 104.2715 False representations of military service;
590 penalty.—

591 (3) The commission shall adopt rules to provide an
592 expedited hearing of complaints filed under subsection (2), ~~or,~~
593 ~~in cases referred to the Division of Administrative Hearings~~
594 ~~pursuant to s. 106.25(5), the director shall assign an~~
595 ~~administrative law judge to provide an expedited hearing.~~

596 (4) Notwithstanding any other law, the commission ~~or~~
597 ~~administrative law judge~~ shall assess a civil penalty of up to
598 \$5,000 against any candidate who is found to have violated
599 subsection (1), which shall be deposited into the General
600 Revenue Fund.

601 Section 9. Subsection (1) of section 106.023, Florida
602 Statutes, is amended to read:

603 106.023 Statement of candidate.—

604 (1) Each candidate must file a statement with the
605 qualifying officer within 10 days after filing the appointment
606 of campaign treasurer and designation of campaign depository,
607 stating that the candidate has read and understands the
608 requirements of this chapter. Such statement shall be provided
609 by the filing officer and shall be in substantially the

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639 ~~which or to which the reporting electioneering communications~~
640 ~~organization made any transfer of funds, together with the~~
641 ~~amounts and dates of all transfers.~~

642 2.3. Each loan for electioneering communication purposes to
643 or from any person or political committee within the reporting
644 period, together with the full names, addresses, and occupations
645 and principal places of business, if any, of the lender and
646 endorsers, if any, and the date and amount of such loans.

647 3.4. A statement of each contribution, rebate, refund, or
648 other receipt not otherwise listed under subparagraphs 1. and 2.
649 ~~1.-3.~~

650 4.5. The total sums of all loans, in-kind contributions,
651 and other receipts by or for such electioneering communications
652 organization during the reporting period. The reporting forms
653 shall be designed to elicit separate totals for in-kind
654 contributions, loans, and other receipts.

655 5.6. The full name and address of each person to whom
656 expenditures have been made by or on behalf of the
657 electioneering communications organization within the reporting
658 period and the amount, date, and purpose of each expenditure.

659 6.7. The full name and address of each person to whom an
660 expenditure for personal services, salary, or reimbursement for
661 expenses has been made and that is not otherwise reported,
662 including the amount, date, and purpose of the expenditure.

663 7.8. The total sum of expenditures made by the
664 electioneering communications organization during the reporting
665 period.

666 8.9. The amount and nature of debts and obligations owed by
667 or to the electioneering communications organization that relate

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668 to the conduct of any electioneering communication.

669 ~~9.10.~~ Transaction information for each credit card
670 purchase. Receipts for each credit card purchase shall be
671 retained by the electioneering communications organization.

672 ~~10.11.~~ The amount and nature of any separate interest-
673 bearing accounts or certificates of deposit and identification
674 of the financial institution in which such accounts or
675 certificates of deposit are located.

676 ~~11.12.~~ The primary purposes of an expenditure made
677 indirectly through an electioneering communications organization
678 for goods and services, such as communications media placement
679 or procurement services and other expenditures that include
680 multiple components as part of the expenditure. The primary
681 purpose of an expenditure shall be that purpose, including
682 integral and directly related components, that comprises 80
683 percent of such expenditure.

684 Section 11. Subsection (2) of section 106.087, Florida
685 Statutes, is amended to read:

686 106.087 Independent expenditures; contribution limits;
687 restrictions on political parties and political committees.—

688 (2)(a) A Any political committee that accepts the use of
689 public funds, equipment, personnel, or other resources to
690 collect dues from its members may agree not to make independent
691 expenditures in support of or opposition to a candidate or
692 elected public official. ~~However, expenditures may be made for~~
693 ~~the sole purpose of jointly endorsing three or more candidates.~~

694 ~~(b)~~ A Any political committee that violates this subsection
695 is liable for a civil fine of up to \$5,000 to be determined by
696 the Florida Elections Commission or the entire amount of the

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697 expenditures, whichever is greater.

698 Section 12. Paragraph (d) of subsection (1) of section
699 106.143, Florida Statutes, is amended to read:

700 106.143 Political advertisements circulated prior to
701 election; requirements.—

702 (1)

703 ~~(d) Any political advertisement made pursuant to s.~~
704 ~~106.021(3) (d) must prominently state the name and address of the~~
705 ~~political committee or political party paying for the~~
706 ~~advertisement.~~

707 Section 13. Subsections (1) and (2) of section 106.265,
708 Florida Statutes, are amended to read:

709 106.265 Civil penalties.—

710 (1) The commission ~~or, in cases referred to the Division of~~
711 ~~Administrative Hearings pursuant to s. 106.25(5), the~~
712 ~~administrative law judge~~ is authorized upon the finding of a
713 violation of this chapter or chapter 104 to impose civil
714 penalties in the form of fines not to exceed \$1,000 per count,
715 or, if applicable, to impose a civil penalty as provided in s.
716 104.271 or s. 106.19.

717 (2) In determining the amount of such civil penalties, the
718 commission ~~or administrative law judge~~ shall consider, among
719 other mitigating and aggravating circumstances:

720 (a) The gravity of the act or omission;

721 (b) Any previous history of similar acts or omissions;

722 (c) The appropriateness of such penalty to the financial
723 resources of the person, political committee, affiliated party
724 committee, electioneering communications organization, or
725 political party; and

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726 (d) Whether the person, political committee, affiliated
727 party committee, electioneering communications organization, or
728 political party has shown good faith in attempting to comply
729 with the provisions of this chapter or chapter 104.

730 Section 14. For the purpose of incorporating the amendment
731 made by this act to section 106.07, Florida Statutes, in a
732 reference thereto, subsection (3) of section 106.0705, Florida
733 Statutes, is reenacted to read:

734 106.0705 Electronic filing of campaign treasurer's
735 reports.—

736 (3) Reports filed pursuant to this section shall be
737 completed and filed through the electronic filing system not
738 later than midnight of the day designated. Reports not filed by
739 midnight of the day designated are late filed and are subject to
740 the penalties under s. 106.07(8), s. 106.0703(7), or s.
741 106.29(3), as applicable.

742 Section 15. By July 1, 2016, the Division of Elections
743 shall establish an enhanced website that includes all state and
744 local campaign filings that are required pursuant to chapter
745 106, Florida Statutes, in a searchable format that is accessible
746 by an individual using standard web-browsing software.

747 Section 16. This act shall take effect October 1, 2015.