

By the Committee on Election Reform and Representatives  
Diaz de la Portilla, Feeney, Byrd and Culp

1                                   A bill to be entitled  
2           An act relating to campaign financing; amending  
3           s. 106.1405, F.S.; prohibiting the use of  
4           campaign funds by candidates and their spouses  
5           for salary or personal expenses; providing  
6           penalties; amending s. 106.011, F.S.; revising  
7           the definition of "independent expenditure";  
8           amending s. 106.085, F.S.; revising notice  
9           requirements for certain independent  
10          expenditures; providing penalties; providing an  
11          effective date.

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

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15           Section 1. Section 106.1405, Florida Statutes, is  
16 amended to read:

17           106.1405 Use of campaign funds for salary or personal  
18 expenses prohibited; penalties by candidates.--

19           (1) ~~If~~ A candidate or the spouse of a candidate may  
20 not intends to draw a salary from the campaign account of such  
21 candidate or use funds on deposit in a campaign account of  
22 such candidate to defray normal living expenses for the  
23 candidate or the candidate's family, other than expenses  
24 actually incurred for transportation, meals, and lodging by  
25 the candidate or a family member during travel in the course  
26 of the campaign, ~~the candidate shall, at the same time he or~~  
27 ~~she appoints a treasurer and designates his or her campaign~~  
28 ~~depository, file with the officer before whom he or she~~  
29 ~~qualifies a statement that the candidate intends to use the~~  
30 ~~funds for such purposes. Unless the statement of intent is~~  
31 ~~filed at such time, the funds shall not be so used.~~

1           (2) Violation of this section is punishable as  
2 provided in s. 106.19.

3           Section 2. Subsection (5) of section 106.011, Florida  
4 Statutes, is amended to to read:

5           106.011 Definitions.--As used in this chapter, the  
6 following terms have the following meanings unless the context  
7 clearly indicates otherwise:

8           (5) "Independent expenditure" means an expenditure by  
9 a person or organization for the purpose of advocating the  
10 election or defeat of a candidate or the approval or rejection  
11 of an issue, which expenditure is not controlled by,  
12 coordinated with, or made upon consultation with, any  
13 candidate, political committee, or agent of such candidate or  
14 committee or which expenditure is not controlled by,  
15 coordinated with, made upon consultation with, or made through  
16 the national or state political party, or the state or county  
17 executive committee, including any subordinate committee of a  
18 national or state committee of a political party or executive  
19 committee. An expenditure for such purpose by a person having  
20 a contract with the candidate, political committee, or agent  
21 of such candidate or committee in a given election period  
22 shall not be deemed an independent expenditure.

23           Section 3. Section 106.085, Florida Statutes, is  
24 amended to read:

25           106.085 Independent expenditures; unfair surprise  
26 prohibited; notice requirements;penalty.--

27           (1) Any individual, group, organization, or committee  
28 making an independent expenditure in excess of \$1,000 on  
29 behalf of or in opposition to a candidate shall deliver notice  
30 in writing of such independent expenditure, as well as the  
31 amount of such expenditure and a detailed description of the

1 media type or use of such expenditure, within 24 hours after  
2 obligating any funds for such expenditure. However, the notice  
3 of the obligation of the expenditure must be made at least 10  
4 days prior to any election. An expenditure is obligated upon  
5 the purchase of any political advertising or the entering into  
6 any agreement, either oral or written, to purchase any  
7 political advertising. Such notice shall be delivered to all  
8 of the candidates in the affected race and to the qualifying  
9 officer of such candidates. The notice shall specifically  
10 state the name of the candidate whom the independent  
11 expenditure is designed to support or oppose. For purposes of  
12 this subsection, notice shall include, but is not limited to,  
13 personal hand delivery or overnight mail. Each new  
14 expenditure shall require the delivery or filing of an  
15 additional new notice. This subsection does not apply to a  
16 primary election if the candidate is unopposed in the primary  
17 election.

18 (2)(a) If the political advertisement required to be  
19 noticed under subsection (1) is to be broadcast over any  
20 television, cable television, or radio station, a copy of the  
21 actual advertisement or text of the advertisement must be  
22 provided with the notification, along with a listing of the  
23 stations airing the advertisement.

24 (b) If the political advertisement required to be  
25 noticed under subsection (1) is to be communicated through  
26 means other than the spoken word, a duplicate reproduced from  
27 the original advertisement to be used must be provided with  
28 the notification.

29 (c) If the political advertisement required to be  
30 noticed under subsection (1) is to be a telephone  
31 solicitation, a copy of the script of the telephone

1 solicitation must be provided with the notification, along  
2 with the estimated number of intended recipients.

3 (3)~~(2)~~ A person who violates any provision of this  
4 section shall be liable for a civil fine of up to \$5,000 to be  
5 determined by the Florida Elections Commission or the entire  
6 ~~an amount equal to 10 percent~~ of the expenditure not noticed,  
7 whichever is greater.

8 (4) This section does not prohibit a person from  
9 making an independent expenditure in support of or in  
10 opposition to any candidate or issue, unless otherwise  
11 prohibited by law, from expressing his or her opinion on any  
12 issue, or from purchasing any political advertisement or  
13 campaign material.

14 Section 4. This act shall take effect January 1, 1998.  
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