

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Brown offered the following:

Amendment (with title amendment)

On page 20, between lines 26 and 27 of the bill

insert:

Section 21. Subsection (3) of s. 106.021, Florida Statutes, is amended to read:

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

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he or she obtains the petitions. Each candidate shall at the same time he or she

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1 designates a campaign depository and appoints a treasurer also
2 designate the office for which he or she is a candidate. If
3 the candidate is running for an office which will be grouped
4 on the ballot with two or more similar offices to be filled at
5 the same election, the candidate must indicate for which group
6 or district office he or she is running. Nothing in this
7 subsection shall prohibit a candidate, at a later date, from
8 changing the designation of the office for which he or she is
9 a candidate. However, if a candidate changes the designated
10 office for which he or she is a candidate, the candidate must
11 notify all contributors in writing of the intent to seek a
12 different office and offer to return pro rata, upon their
13 request, those contributions given in support of the original
14 office sought. This notification shall be given within 15 days
15 after the filing of the change of designation and shall
16 include a standard form developed by the Division of Elections
17 for requesting the return of contributions. The notice
18 requirement shall not apply to any change in a numerical
19 designation resulting solely from redistricting. If, within
20 30 days after being notified by the candidate of the intent to
21 seek a different office, the contributor notifies the
22 candidate in writing that the contributor wishes his or her
23 contribution to be returned, the candidate shall return the
24 contribution, on a pro rata basis, calculated as of the date
25 the change of designation is filed. Any contributions not
26 requested to be returned within the 30-day period may be used
27 by the candidate for the newly designated office. No person
28 shall accept any contribution or make any expenditure with a
29 view to bringing about his or her nomination, election, or
30 retention in public office, or authorize another to accept
31 such contributions or make such expenditure on the person's

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1 behalf, unless such person has appointed a campaign treasurer
2 and designated a primary campaign depository. A candidate for
3 an office voted upon statewide may appoint not more than 15
4 deputy campaign treasurers, and any other candidate or
5 political committee may appoint not more than 3 deputy
6 campaign treasurers. The names and addresses of the campaign
7 treasurer and deputy campaign treasurers so appointed shall be
8 filed with the officer before whom such candidate is required
9 to qualify or with whom such political committee is required
10 to register pursuant to s. 106.03. Each candidate who
11 qualifies with the Department of State for an office not voted
12 upon statewide shall, at the same time, file a copy of the
13 name and address of the campaign treasurer with the supervisor
14 of elections in the county in which the candidate resides.

15 (b) Except as provided in paragraph (d), each
16 candidate and each political committee shall also designate
17 one primary campaign depository for the purpose of depositing
18 all contributions received, and disbursing all expenditures
19 made, by the candidate or political committee. The candidate
20 or political committee may also designate one secondary
21 depository in each county in which an election is held in
22 which the candidate or committee participates. Secondary
23 depositories shall be for the sole purpose of depositing
24 contributions and forwarding the deposits to the primary
25 campaign depository. Any bank, savings and loan association,
26 or credit union authorized to transact business in this state
27 may be designated as a campaign depository. The candidate or
28 political committee shall file the name and address of each
29 primary and secondary depository so designated at the same
30 time that, and with the same officer with whom, the candidate
31 or committee files the name of his, her, or its campaign

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1 treasurer pursuant to paragraph (a). In addition, the campaign
2 treasurer or a deputy campaign treasurer may deposit any funds
3 which are in the primary campaign depository and which are not
4 then currently needed for the disbursement of expenditures
5 into a separate interest-bearing account in any bank, savings
6 and loan association, or credit union authorized to transact
7 business in this state. The separate interest-bearing account
8 shall be designated "... (name of candidate or committee)...
9 separate interest-bearing campaign account." In lieu thereof,
10 the campaign treasurer or deputy campaign treasurer may
11 purchase a certificate of deposit with such unneeded funds in
12 such bank, savings and loan association, or credit union. The
13 separate interest-bearing account or certificate of deposit
14 shall be separate from any personal or other account or
15 certificate of deposit. Any withdrawal of the principal or
16 earned interest or any part thereof shall only be made from
17 the separate interest-bearing account or certificate of
18 deposit for the purpose of transferring funds to the primary
19 account and shall be reported as a contribution.

20 (c) Any campaign treasurer or deputy treasurer
21 appointed pursuant to this section shall be a registered voter
22 in this state and shall, before such appointment may become
23 effective, have accepted appointment to such position in
24 writing and filed such acceptance with the officer before whom
25 the candidate is required to qualify or with the officer with
26 whom the political committee is required to file reports. An
27 individual may be appointed and serve as campaign treasurer of
28 a candidate and a political committee or two or more
29 candidates and political committees. A candidate may appoint
30 herself or himself as campaign treasurer.

31 (d) Any political committee which deposits all

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1 contributions received in a national depository from which the
2 political committee receives funds to contribute to state and
3 local candidates shall not be required to designate a campaign
4 depository in the state.

5 (2) A candidate or political committee may remove his,
6 her, or its campaign treasurer or any deputy treasurer. In
7 case of the death, resignation, or removal of a campaign
8 treasurer before compliance with all obligations of a campaign
9 treasurer under this chapter, the candidate or political
10 committee shall appoint a successor and certify the name and
11 address of the successor in the manner provided in the case of
12 an original appointment. No resignation shall be effective
13 until it has been submitted to the candidate or committee in
14 writing and a copy thereof has been filed with the officer
15 before whom the candidate is required to qualify or the
16 officer with whom the political committee is required to file
17 reports. No treasurer or deputy treasurer shall be deemed
18 removed by a candidate or political committee until written
19 notice of such removal has been given to such treasurer or
20 deputy treasurer and has been filed with the officer before
21 whom such candidate is required to qualify or with the officer
22 with whom such committee is required to file reports.

23 (3) (a) Except for independent expenditures, no
24 contribution or expenditure, including contributions or
25 expenditures of a candidate or of the candidate's family,
26 shall be directly or indirectly made or received in
27 furtherance of the candidacy of any person for nomination or
28 election to political office in the state or on behalf of any
29 political committee except throughout the duly appointed
30 campaign treasurer of the candidate or political committee.
31 However, expenditures may be made directly by any political

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1 committee or political party regulated by Chapter 103 for
2 obtaining time, space, or services in or by any communications
3 medium for the purpose of jointly endorsing ~~three~~ six or more
4 candidates, ~~and any such expenditure shall not be considered a~~
5 ~~contribution or expenditure to or on behalf of any such~~
6 ~~candidates for the purposes of this chapter.~~

7 (b) Any expenditure made directly by any political
8 committee or political party regulated by Chapter 103 for the
9 purpose of jointly endorsing six or more candidates must
10 allocate equal time, space, or service to each candidate. Any
11 such expenditure not allocating equal time to all six
12 candidates shall be considered a contribution to or on behalf
13 of the candidate or candidates for which the majority of time,
14 space or services is obtained, and shall be reportable as a
15 contribution by the candidate or candidates benefiting from
16 the time, space or service under the provisions of s. 106.08.

17 (c) Any political committee or political party
18 regulated by Chapter 103 who violates the provisions of this
19 subsection commits a felony of the third degree, punishable as
20 provided in s. 775.082, s. 775.083, s. 775.084. Any fine
21 assessed under the provisions of this subsection, shall be
22 assessed in an amount not less than \$10,000 and not more than
23 \$50,000 per violation.

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25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 4, line 6
29 remove from the title of the bill: all of said line
30
31 and insert in lieu thereof:

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1 election; providing exceptions; amending s.
2 106.021, F.S., relating to campaign treasurers;
3 deputies; primary and secondary depositories;
4 providing penalties; creating s.
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