

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Mackenzie offered the following:

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**Amendment to Amendment (403741) (with title amendment)**

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On page 40, between lines 11 and 12 of the amendment

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insert:

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Section 39. Paragraph (a) of subsection (6) of section 106.29, Florida Statutes, is amended to read:

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106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.--

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(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general

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1 election. Each state executive committee shall file the  
2 original and one copy of its reports with the Division of  
3 Elections. Each county executive committee shall file its  
4 reports with the supervisor of elections in the county in  
5 which such committee exists. Any state or county executive  
6 committee failing to file a report on the designated due date  
7 shall be subject to a fine as provided in subsection (3). No  
8 separate fine shall be assessed for failure to file a copy of  
9 any report required by this section.

10 (2) The chair and treasurer of each state or county  
11 executive committee shall certify as to the correctness of  
12 each report filed by them on behalf of such committee. Any  
13 committee chair or treasurer who certifies the correctness of  
14 any report while knowing that such report is incorrect, false,  
15 or incomplete commits a felony of the third degree, punishable  
16 as provided in s. 775.082, s. 775.083, or s. 775.084.

17 (3)(a) Any state or county executive committee failing  
18 to file a report on the designated due date shall be subject  
19 to a fine as provided in paragraph (b) for each late day. The  
20 fine shall be assessed by the filing officer, and the moneys  
21 collected shall be deposited in the Elections Commission Trust  
22 Fund.

23 (b) Upon determining that a report is late, the filing  
24 officer shall immediately notify the chair of the executive  
25 committee as to the failure to file a report by the designated  
26 due date and that a fine is being assessed for each late day.  
27 The fine shall be \$1,000 for a state executive committee, and  
28 \$50 for a county executive committee, per day for each late  
29 day, not to exceed 25 percent of the total receipts or  
30 expenditures, whichever is greater, for the period covered by  
31 the late report. However, if an executive committee fails to

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1 file a report on the Friday immediately preceding the general  
2 election, the fine shall be \$10,000 per day for each day a  
3 state executive committee is late and \$500 per day for each  
4 day a county executive committee is late. Upon receipt of the  
5 report, the filing officer shall determine the amount of the  
6 fine which is due and shall notify the chair. The filing  
7 officer shall determine the amount of the fine due based upon  
8 the earliest of the following:

- 9 1. When the report is actually received by such  
10 officer.
- 11 2. When the report is postmarked.
- 12 3. When the certificate of mailing is dated.
- 13 4. When the receipt from an established courier  
14 company is dated.

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16 Such fine shall be paid to the filing officer within 20 days  
17 after receipt of the notice of payment due, unless appeal is  
18 made to the Florida Elections Commission pursuant to paragraph  
19 (c). An officer or member of an executive committee shall not  
20 be personally liable for such fine.

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

31 (d) The appropriate filing officer shall notify the

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1 Florida Elections Commission of the repeated late filing by an  
2 executive committee, the failure of an executive committee to  
3 file a report after notice, or the failure to pay the fine  
4 imposed.

5 (4) Any contribution received by a state or county  
6 executive committee less than 5 days before an election shall  
7 not be used or expended in behalf of any candidate, issue, or  
8 political party participating in such election.

9 (5) No state or county executive committee, in the  
10 furtherance of any candidate or political party, directly or  
11 indirectly, shall give, pay, or expend any money, give or pay  
12 anything of value, authorize any expenditure, or become  
13 pecuniarily liable for any expenditure prohibited by this  
14 chapter. However, the contribution of funds by one executive  
15 committee to another or to established party organizations for  
16 legitimate party or campaign purposes is not prohibited, but  
17 all such contributions shall be recorded and accounted for in  
18 the reports of the contributor and recipient.

19 (6)(a) The national, state, and county executive  
20 committees of a political party may not contribute to any  
21 candidate any amount in excess of the limits contained in s.  
22 106.08(2), ~~and all contributions required to be reported under~~  
23 ~~s. 106.08(2) by the national executive committee of a~~  
24 ~~political party shall be reported by the state executive~~  
25 ~~committee of that political party.~~

26 (b) A violation of the contribution limits contained  
27 in s. 106.08(2) is a misdemeanor of the first degree,  
28 punishable as provided in s. 775.082 or s. 775.083. A civil  
29 penalty equal to three times the amount in excess of the  
30 limits contained in s. 106.08(2) shall be assessed against any  
31 executive committee found in violation thereof.

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1 ===== T I T L E A M E N D M E N T =====  
2 And the title is amended as follows:  
3       On page 43, line 26 of the amendment  
4 remove: all of said lines  
5  
6 and insert in lieu thereof:  
7       amending s. 106.29, F.S., relating to reports  
8       by political parties; restrictions on  
9       contributions and expenditures; penalties;  
10       providing an effective date.  
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