

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

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

insert:

Section 39. 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 designates a campaign depository and appoints a treasurer also

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

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

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

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

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

30 (d) Any political committee which deposits all  
31 contributions received in a national depository from which the

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

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

22 (3) (a) Except for independent expenditures, no  
23 contribution or expenditure, including contributions or  
24 expenditures of a candidate or of the candidate's family,  
25 shall be directly or indirectly made or received in  
26 furtherance of the candidacy of any person for nomination or  
27 election to political office in the state or on behalf of any  
28 political committee except throughout the duly appointed  
29 campaign treasurer of the candidate or political committee.  
30 However, expenditures may be made directly by any political  
31 committee or political party regulated by Chapter 103 for

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

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

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

23  
24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 43, line 26 of the amendment  
28 remove: all of said lines

29  
30 and insert in lieu thereof:

31 amending s. 106.021, F.S., relating to campaign

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1           treasurers; deputies; primary and secondary  
2           depositories; providing penalties; providing an  
3           effective date.  
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