

By Representative Miller

1 A bill to be entitled
2 An act relating to elections; amending s.
3 99.021, F.S.; revising requirements for
4 nomination as a candidate of a political party
5 relating to duration of political party
6 affiliation; amending s. 106.08, F.S., relating
7 to limitations on campaign contributions;
8 providing a lower limit for contributions from
9 certain lobbyists to candidates who are or
10 were, within a specified period, legislators;
11 revising provisions relating to the return of
12 contributions by unopposed candidates;
13 requiring the reporting of illegal
14 contributions and attempts to make illegal
15 contributions; providing penalties; increasing
16 civil and criminal penalties for certain repeat
17 offenses; reenacting ss. 106.04(5), 106.075(2),
18 106.19(1)(a), and 106.29(4), F.S., relating to
19 committees of continuous existence, limitations
20 on contributions to pay loans, acceptance of
21 contributions in excess of the lawful limits,
22 and political parties, to incorporate the
23 amendment to s. 106.08, F.S., in references
24 thereto; amending s. 921.0012, F.S., relating
25 to sentencing guidelines; providing an offense
26 level for felonies involving indirect political
27 contributions; amending s. 106.085, F.S.;
28 revising notice requirements for certain
29 independent expenditures; applying such
30 requirements to political parties; providing
31 penalties; creating s. 106.087, F.S.;

1 prohibiting political parties that accept
2 filing fees from making independent
3 expenditures; providing penalties; amending s.
4 106.141, F.S., relating to disposition of
5 surplus funds by candidates; prohibiting
6 reimbursement by the campaign for any reported
7 contributions by the candidate to the campaign;
8 amending s. 106.143, F.S.; providing
9 requirements for political advertisements with
10 respect to candidate approval; creating s.
11 106.1431, F.S.; providing disclosure
12 requirements and prohibitions relating to
13 political solicitation by telephone; providing
14 an exemption; providing penalties; amending s.
15 104.271, F.S.; authorizing filing of complaints
16 with the Florida Elections Commission relating
17 to false statements about candidates; amending
18 s. 106.19, F.S.; eliminating authority of the
19 Division of Elections to bring civil actions to
20 recover certain civil penalties; amending s.
21 106.22, F.S.; deleting duties of the division
22 relating to investigation of complaints;
23 requiring the division to report certain
24 information to the commission; amending s.
25 106.23, F.S.; deleting powers of the division
26 to issue subpoenas and administer oaths
27 relating to investigation of alleged violations
28 of ch. 106, F.S., relating to campaign
29 financing; transferring advisory opinion
30 responsibilities from the division to the
31 commission; amending s. 106.24, F.S.; revising

1 administrative and organizational structure of
2 the commission; providing for appointment of an
3 executive director and employment of staff;
4 authorizing the commission to contract or
5 consult with other state agencies for
6 assistance as needed; amending s. 106.25, F.S.;
7 vesting the commission with jurisdiction to
8 investigate and determine violations of ch.
9 106, F.S.; requiring transmittal of a copy of a
10 sworn complaint to the alleged violator;
11 providing for an administrative hearing upon
12 written request of the alleged violator;
13 amending s. 106.26, F.S.; providing rulemaking
14 authority to the commission relating to its
15 investigative responsibilities; amending s.
16 106.295, F.S., relating to leadership funds;
17 prohibiting the acceptance or solicitation of
18 contributions for any legislative campaign if
19 such funds are raised to enable a legislator to
20 acquire or maintain a leadership position;
21 creating s. 106.297, F.S.; providing for
22 voluntary expenditure limits for candidates for
23 legislative office; requiring an affidavit of
24 acceptance or rejection of such limits;
25 requiring a postelection audit of the campaign
26 account of any candidate who agrees to abide by
27 such limits; exempting candidates who agree to
28 abide by such limits from filing fees;
29 providing penalties; providing for designation
30 of candidates who agree to abide by such limits
31 on sample ballots and on official ballots;

1 providing severability; providing effective
2 dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Effective October 1, 1997, paragraph (b) of
7 subsection (1) of section 99.021, Florida Statutes, is amended
8 to read:

9 99.021 Form of candidate oath.--

10 (1)

11 (b) In addition, any person seeking to qualify for
12 nomination as a candidate of any political party shall, at the
13 time of subscribing to the oath or affirmation, state in
14 writing:

15 1. The party of which the person is a member.

16 2. That the person is not, and for the immediately
17 preceding 6 months has not been, a registered member of any
18 other political party ~~and has not been a candidate for~~
19 ~~nomination for any other political party for a period of 6~~
20 ~~months preceding the general election for which the person~~
21 ~~seeks to qualify.~~

22 3. That the person has paid the assessment levied
23 against him or her, if any, as a candidate for said office by
24 the executive committee of the party of which he or she is a
25 member.

26 Section 2. Section 106.08, Florida Statutes, is
27 amended to read:

28 106.08 Contributions; limitations on.--

29 (1)(a) No person, political committee, or committee of
30 continuous existence shall make contributions to any candidate

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1 or political committee in this state, for any election, in
2 excess of the following amounts:

3 1. To a candidate for countywide office or to a
4 candidate in any election conducted on less than a countywide
5 basis, \$500.

6 2. To a candidate for legislative or multicounty
7 office, \$500.

8 3. To a candidate for statewide office, \$500.

9 Candidates for the offices of Governor and Lieutenant Governor
10 on the same ticket shall be considered a single candidate for
11 the purpose of this section.

12 4. To a political committee supporting or opposing one
13 or more candidates, \$500.

14 5. To a candidate for county court judge or circuit
15 judge, \$500.

16 6. To a candidate for retention as a judge of a
17 district court of appeal, \$500.

18 7. To a candidate for retention as a justice of the
19 Supreme Court, \$500.

20 8. To any candidate who is or was, within a period of
21 up to 1 year preceding the contribution, a member of the
22 Legislature, \$100; however, this limit only applies if the
23 contribution is from a registered lobbyist who appeared
24 personally, or on behalf of another person for compensation,
25 before the member at the last regular session or any extension
26 thereof or at any subsequent special session. For purposes of
27 this subparagraph, the term "lobbyist" shall be defined as
28 provided in s. 11.045(1).

29 (b) The contribution limits provided in this
30 subsection shall not apply to contributions made by a state or
31 county executive committee of a political party regulated by

1 chapter 103 or to amounts contributed by a candidate to his or
2 her own campaign. Notwithstanding the limits provided in this
3 subsection, no unemancipated child under the age of 18 years
4 of age may make a contribution to any candidate or to any
5 political committee supporting one or more candidates, in
6 excess of \$100. The limitations provided by this subsection
7 shall apply to each election.

8 (c) For purposes of this subsection the first primary,
9 second primary, and general election shall be deemed separate
10 elections so long as the candidate is not an unopposed
11 candidate as defined in s. 106.011(15). However, for the
12 purpose of contribution limits with respect to candidates for
13 retention as a justice of the Supreme Court or judge of a
14 district court of appeal, there shall be only one election,
15 which shall be the general election, and with respect to
16 candidates for circuit judge or county court judge, there
17 shall be only two elections, which shall be the first primary
18 election and general election.

19 (2)(a) A candidate may not accept contributions from
20 national, state, and county executive committees of a
21 political party, which contributions in the aggregate exceed
22 \$50,000, no more than \$25,000 of which may be accepted prior
23 to the 28-day period immediately preceding the date of the
24 general election.

25 (b) For the purposes of this subsection:

26 1. Print, broadcast, cable, and mailing advertisements
27 are contributions in an amount equal to their fair market
28 value and shall be counted toward the contribution limits of
29 this subsection.

30 2. Polling services, research services, technical
31 assistance, and voter mobilization efforts are not

1 contributions to be counted toward the contribution limits of
2 this subsection.

3 (3)(a) Any contribution received by a candidate with
4 opposition in an election or the campaign treasurer or a
5 deputy treasurer of such a candidate on the day of that
6 election or less than 5 days prior to the day of that election
7 shall be returned by him or her to the person or committee
8 contributing it and shall not be used or expended by or on
9 behalf of the candidate.

10 (b) Except as otherwise provided in paragraph (c), any
11 contribution received by a candidate or the campaign treasurer
12 or a deputy treasurer of a candidate after the date at which
13 the candidate withdraws his or her candidacy, or after the
14 date the candidate is defeated, becomes unopposed, or is
15 elected to office shall be returned to the person or political
16 committee contributing it and shall not be used or expended by
17 or on behalf of the candidate.

18 (c) With respect to any campaign for an office in
19 which an independent candidate has filed as required in s.
20 99.095, but whose qualification is pending a determination by
21 the Department of State or supervisor of elections as to
22 whether or not the required number of petition signatures was
23 obtained:

24 1. The department or supervisor shall, no later than 3
25 days after that determination has been made, notify in writing
26 all other candidates for that office of that determination.

27 2. Any contribution received by a candidate or the
28 campaign treasurer or deputy campaign treasurer of a candidate
29 after the candidate has been notified in writing by the
30 department or supervisor that he or she has become unopposed
31 as a result of an independent candidate failing to obtain the

1 required number of petition signatures shall be returned to
2 the person, political committee, or committee of continuous
3 existence contributing it and shall not be used or expended by
4 or on behalf of the candidate.

5 (4) Any contribution tendered to or received by a
6 candidate or any person acting on behalf of a candidate that
7 is known to have been made or offered to be made in violation
8 of the provisions of this section must be immediately reported
9 to the Florida Elections Commission.

10 (5)~~(4)~~ Any contribution received by the chair,
11 campaign treasurer, or deputy campaign treasurer of a
12 political committee supporting or opposing a candidate with
13 opposition in an election or supporting or opposing an issue
14 on the ballot in an election on the day of that election or
15 less than 5 days prior to the day of that election shall not
16 be obligated or expended by the committee until after the date
17 of the election.

18 (6)~~(5)~~ No person shall make any contribution in
19 support of or opposition to a candidate for election or
20 nomination, in support of or opposition to an issue, or to any
21 political committee, through or in the name of another,
22 directly or indirectly, in any election.

23 (7) The solicitation from, and contributions by,
24 candidates, political committees, and party executive
25 committees to any religious, charitable, civic, or other
26 causes or organizations established primarily for the public
27 good are expressly prohibited. However, it shall not be
28 construed as a violation of this subsection for a candidate,
29 political committee, or party executive committee to make
30 gifts of money in lieu of flowers in memory of a deceased
31 person or for a candidate to continue membership in or regular

1 contributions paid from personal or business funds to
2 religious, political party, civic, or charitable groups of
3 which the candidate is a member or to which he or she has been
4 a regular contributor for more than 6 months. A candidate may
5 purchase, with campaign funds, tickets, admission to events,
6 or advertisements from religious, civic, political party, or
7 charitable groups.

8 (8)(a)~~(6)~~ Any person who knowingly and willfully makes
9 or attempts to make no more than one a contribution in
10 violation of subsection (1), subsection (6), or subsection (7)
11 ~~(5)~~, or any person who knowingly and willfully fails or
12 refuses on no more than one occasion to return any
13 contribution as required in subsection (3) or to report any
14 illegal contribution as required in subsection (4), commits ~~is~~
15 ~~guilty of~~ a misdemeanor of the first degree, punishable as
16 provided in s. 775.082 or s. 775.083. If any corporation,
17 partnership, or other business entity or any political
18 committee or committee of continuous existence is convicted of
19 knowingly and willfully violating any provision punishable
20 under this paragraph ~~section~~, it shall be fined not less than
21 \$1,000 and not more than \$10,000. If it is a domestic entity,
22 it may be ordered dissolved by a court of competent
23 jurisdiction; if it is a foreign or nonresident business
24 entity, its right to do business in this state may be
25 forfeited. Any officer, partner, agent, attorney, or other
26 representative of a corporation, partnership, or other
27 business entity or of a political committee or committee of
28 continuous existence who aids, abets, advises, or participates
29 in a violation of any provision punishable under this
30 paragraph commits ~~section is guilty of~~ a misdemeanor of the
31

1 first degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 (b) Any person who knowingly and willfully makes or
4 attempts to make two or more contributions in violation of
5 subsection (1), subsection (6), or subsection (7), or any
6 person who knowingly and willfully fails or refuses on more
7 than one occasion to return any contribution as required in
8 subsection (3) or to report any illegal contribution as
9 required in subsection (4), commits a felony of the third
10 degree, punishable as provided in s. 775.082, s. 775.083, or
11 s. 775.084. If any corporation, partnership, or other
12 business entity or any political committee or committee of
13 continuous existence is convicted of knowingly and willfully
14 violating any provision punishable under this paragraph, it
15 shall be fined not less than \$10,000 and not more than
16 \$50,000, or an amount equal to three times the amount
17 contributed or attempted to be contributed, whichever is
18 greater. If it is a domestic entity, it may be ordered
19 dissolved by a court of competent jurisdiction; if it is a
20 foreign or nonresident business entity, its right to do
21 business in this state may be forfeited. Any officer,
22 partner, agent, attorney, or other representative of a
23 corporation, partnership, or other business entity or of a
24 political committee or committee of continuous existence who
25 aids, abets, advises, or participates in a violation of any
26 provision punishable under this paragraph commits a felony of
27 the third degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29 (9)(7) Except as otherwise provided in subsection (8),
30 a ~~Any~~ person who knowingly and willfully violates any
31 provision ~~the provisions~~ of this section shall, in addition to

1 any other penalty prescribed by this chapter, pay to the state
2 a sum equal to twice the amount contributed in violation of
3 this chapter. Each campaign treasurer shall pay all amounts
4 contributed in violation of this section to the state for
5 deposit in the General Revenue Fund.

6 (10)~~(8)~~ The provisions of this section shall not apply
7 to the transfer of funds between a primary depository and a
8 savings account or certificate of deposit or to any interest
9 earned on such account or certificate.

10 Section 3. For the purpose of incorporating the
11 amendment to section 106.08, Florida Statutes, in references
12 thereto, the sections or subdivisions of Florida Statutes set
13 forth below are reenacted to read:

14 106.04 Committees of continuous existence.--

15 (5) No committee of continuous existence shall
16 contribute to any candidate or political committee an amount
17 in excess of the limits contained in s. 106.08(1) or
18 participate in any other activity which is prohibited by this
19 chapter. If any violation occurs, it shall be punishable as
20 provided in this chapter for the given offense. No funds of a
21 committee of continuous existence shall be expended on behalf
22 of a candidate, except by means of a contribution made through
23 the duly appointed campaign treasurer of a candidate. No such
24 committee shall make expenditures in support of, or in
25 opposition to, an issue unless such committee first registers
26 as a political committee pursuant to this chapter and
27 undertakes all the practices and procedures required thereof;
28 provided such committee may make contributions in a total
29 amount not to exceed 25 percent of its aggregate income, as
30 reflected in the annual report filed for the previous year, to
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1 one or more political committees registered pursuant to s.
2 106.03 and formed to support or oppose issues.

3 106.075 Elected officials; report of loans made in
4 year preceding election; limitation on contributions to pay
5 loans.--

6 (2) Any person who makes a contribution to an
7 individual to pay all or part of a loan incurred, in the 12
8 months preceding the election, to be used for the individual's
9 campaign, may not contribute more than the amount which is
10 allowed in s. 106.08(1).

11 106.19 Violations by candidates, persons connected
12 with campaigns, and political committees.--

13 (1) Any candidate; campaign manager, campaign
14 treasurer, or deputy treasurer of any candidate; committee
15 chair, vice chair, campaign treasurer, deputy treasurer, or
16 other officer of any political committee; agent or person
17 acting on behalf of any candidate or political committee; or
18 other person who knowingly and willfully:

19 (a) Accepts a contribution in excess of the limits
20 prescribed by s. 106.08;

21
22 is guilty of a misdemeanor of the first degree, punishable as
23 provided in s. 775.082 or s. 775.083.

24 106.29 Reports by political parties; assessment on
25 contributions.--

26 (4) No state or county executive committee, in the
27 furtherance of any candidate or political party, directly or
28 indirectly, shall give, pay, or expend any money, give or pay
29 anything of value, authorize any expenditure, or become
30 pecuniarily liable for any expenditure prohibited by this
31 chapter. However, the contribution of funds by one executive

1 committee to another, to established party organizations for
2 legitimate party or campaign purposes, or to individual
3 candidates of that party in general elections in amounts
4 exceeding those set forth in s. 106.08 is not prohibited, but
5 all such contributions shall be recorded and accounted for in
6 the reports of the contributor and recipient.

7 Section 4. Paragraph (e) of subsection (3) of section
8 921.0012, Florida Statutes, 1996 Supplement, is amended to
9 read:

10 921.0012 Sentencing guidelines offense levels; offense
11 severity ranking chart.--

12 (3) OFFENSE SEVERITY RANKING CHART

13 Florida Statute	Felony Degree	Description
		(e) LEVEL 5
18 <u>106.08(8)(b)</u>	<u>3rd</u>	<u>Indirect political contributions.</u>
19 316.027(1)(a)	3rd	Accidents involving personal 20 injuries, failure to stop; 21 leaving scene.
22 316.1935(3)	3rd	Aggravated fleeing or eluding.
23 322.34(3)	3rd	Careless operation of motor 24 vehicle with suspended license, 25 resulting in death or serious 26 bodily injury.
27 327.30(5)	3rd	Vessel accidents involving 28 personal injury; leaving scene.
29 381.0041(11)(b)	3rd	Donate blood, plasma, or organs 30 knowing HIV positive.
31 790.01(2)	3rd	Carrying a concealed firearm.

1	790.162	2nd	Threat to throw or discharge
2			destructive device.
3	790.163	2nd	False report of deadly explosive.
4	790.165(2)	3rd	Manufacture, sell, possess, or
5			deliver hoax bomb.
6	790.221(1)	2nd	Possession of short-barreled
7			shotgun or machine gun.
8	790.23	2nd	Felons in possession of firearms
9			or electronic weapons or devices.
10	806.111(1)	3rd	Possess, manufacture, or dispense
11			fire bomb with intent to damage
12			any structure or property.
13	812.019(1)	2nd	Stolen property; dealing in or
14			trafficking in.
15	812.16(2)	3rd	Owning, operating, or conducting
16			a chop shop.
17	817.034(4)(a)2.	2nd	Communications fraud, value
18			\$20,000 to \$50,000.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	843.01	3rd	Resist officer with violence to
27			person; resist arrest with
28			violence.
29	874.05(2)	2nd	Encouraging or recruiting another
30			to join a criminal street gang;
31			second or subsequent offense.

1 893.13(1)(a)1. 2nd Sell, manufacture, or deliver
2 cocaine (or other s.
3 893.03(1)(a), (1)(b), (1)(d),
4 (2)(a), or (2)(b) drugs).
5 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
6 cannabis (or other s.
7 893.03(1)(c), (2)(c), (3), or (4)
8 drugs) within 1,000 feet of a
9 school.
10 893.13(1)(d)1. 1st Sell, manufacture, or deliver
11 cocaine (or other s.
12 893.03(1)(a), (1)(b), (1)(d),
13 (2)(a), or (2)(b) drugs) within
14 200 feet of university, public
15 housing facility, or public park.
16 893.13(4)(b) 2nd Deliver to minor cannabis (or
17 other s. 893.03(1)(c), (2)(c),
18 (3), or (4) drugs).
19

20 Section 5. Section 106.085, Florida Statutes, is
21 amended to read:

22 106.085 Independent expenditures; unfair surprise
23 prohibited; notice requirements;penalty.--

24 (1) Any individual, group, organization, political
25 party, or committee making an independent expenditure in
26 excess of \$1,000 on behalf of or in opposition to a candidate
27 shall deliver notice in writing of such independent
28 expenditure, as well as the amount of such expenditure and a
29 detailed description of the media type or use of such
30 expenditure, within 24 hours after obligating any funds for
31 such expenditure. However, the notice of the obligation of

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

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

20 (b) If the political advertisement required to be
21 noticed under subsection (1) is to be communicated through
22 means other than the spoken word, a duplicate reproduced from
23 the original advertisement to be used must be provided with
24 the notification. The duplicate must clearly depict a copy of
25 the pictures, artwork, and text used in the advertisement.

26 (c) If the political advertisement required to be
27 noticed under subsection (1) is to be a telephone
28 solicitation, a copy of the script of the telephone
29 solicitation must be provided with the notification, along
30 with the number of intended recipients.

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

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

12 Section 6. Section 106.087, Florida Statutes, is
13 created to read:

14 106.087 Independent expenditures; restrictions on
15 political parties.--Notwithstanding any provision of s.
16 99.061(2), s. 99.092(1), or s. 99.103 to the contrary, any
17 political party that accepts the return of any candidate
18 filing fees from any supervisor of elections or the Department
19 of State after the close of qualifying for an election cycle
20 is prohibited from making any independent expenditure on
21 behalf of or in opposition to any candidate during the
22 remainder of the election cycle for which those filing fees
23 were collected. Any political party that violates the
24 provisions of this section shall, in addition to any other
25 penalty prescribed by this chapter, pay to the state a sum
26 equal to the amount of candidate filing fees received by that
27 political party for all candidates during that election cycle.
28 Each campaign treasurer shall pay all amounts contributed in
29 violation of this section to the state for deposit in the
30 General Revenue Fund.

1 Section 7. Subsection (2) of section 106.141, Florida
2 Statutes, is amended to read:

3 106.141 Disposition of surplus funds by candidates.--

4 (2) A ~~Any~~ candidate required to dispose of funds
5 pursuant to this section may not, prior to such disposition,
6 be reimbursed by the campaign, in full or in part, for any
7 reported contributions by the candidate to the campaign.

8 Section 8. Section 106.143, Florida Statutes, is
9 amended to read:

10 106.143 Political advertisements circulated prior to
11 election; requirements.--

12 (1) Any political advertisement and any campaign
13 literature published, displayed, or circulated prior to, or on
14 the day of, any election shall:

15 (a) Be marked "paid political advertisement" or with
16 the abbreviation "pd. pol. adv."

17 (b) Identify the persons or organizations sponsoring
18 the advertisement.

19 (c)1.a. State whether the advertisement and the cost
20 of production is paid for or provided in kind by or at the
21 expense of the entity publishing, displaying, broadcasting, or
22 circulating the political advertisement; or

23 b. State who provided or paid for the advertisement
24 and cost of production, if different from the source of
25 sponsorship.

26 2. This paragraph shall not apply if the source of the
27 sponsorship is patently clear from the content or format of
28 the political advertisement or campaign literature.

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1 This subsection does not apply to campaign messages used by a
2 candidate and the candidate's ~~his or her~~ supporters if those
3 ~~which~~ messages are designed to be worn by a person.

4 (2) Any political advertisement of a candidate running
5 for partisan office ~~in any election~~ shall express the name of
6 the political party of which the candidate is seeking
7 nomination or is the nominee. If the candidate for partisan
8 office is running as an independent candidate, any political
9 advertisement of the candidate must state that the candidate
10 is an independent candidate. ~~Any political advertisement~~
11 ~~endorsing the candidate shall expressly state whether the~~
12 ~~permission of the candidate has been obtained to advertise~~
13 ~~such endorsement.~~

14 (3) It is unlawful for any candidate or person on
15 behalf of a candidate to represent that any person or
16 organization supports such candidate, unless the person or
17 organization so represented has given specific approval in
18 writing to the candidate to make such representation.
19 However, this subsection ~~section~~ does not apply to:

20 (a) Editorial endorsement by any newspaper, radio or
21 television station, or other recognized news medium.

22 (b) Publication by a party committee advocating the
23 candidacy of its nominees.

24 (4)(a) Any political advertisement, other than an
25 independent expenditure, offered by or in behalf of a
26 candidate must be approved in advance by the candidate. Such
27 political advertisement must expressly state that the content
28 of the advertisement was approved or authorized by the
29 candidate and must state who paid for the advertisement.
30 Prior to publishing, displaying, or circulating the
31 advertisement, the candidate shall provide a written statement

1 of authorization to the newspaper, radio station, television
2 station, or other medium for each such advertisement submitted
3 for publication, display, broadcast, or other distribution.

4 Such authorization may be provided by electronic means.

5 (b) Any person who makes an independent expenditure
6 for a political advertisement shall provide a written
7 statement that no candidate has approved the advertisement to
8 the newspaper, radio station, television station, or other
9 medium for each such advertisement submitted for publication,
10 display, broadcast, or other distribution. The advertisement
11 must also contain a statement that no candidate has approved
12 the advertisement.

13 (5)(4) No political advertisement of a candidate who
14 is not an incumbent of the office for which the candidate ~~he~~
15 ~~or she~~ is running shall use the word "re-elect." Additionally,
16 such advertisement must include the word "for" between the
17 candidate's name and the office for which the candidate ~~he or~~
18 ~~she~~ is running, in order that incumbency is not implied. This
19 subsection does not apply to bumper stickers or items designed
20 to be worn by a person.

21 (6)(5) This section does ~~shall~~ not apply to novelty
22 items having a retail of nominal value of \$10 or less which
23 support, but do not oppose, a candidate or issue.

24 (7)(6) Any political advertisement which is published,
25 displayed, or produced in a language other than English may
26 provide the information required by this section in the
27 language used in the advertisement.

28 (8)(7) ~~A~~ Any person who willfully violates any
29 provision ~~the provisions~~ of this section is subject to the
30 civil penalties prescribed in s. 106.265.

31

1 Section 9. Section 106.1431, Florida Statutes, is
2 created to read:

3 106.1431 Telephone solicitation; restrictions;
4 penalties.--

5 (1)(a) Any telephone call supporting or opposing any
6 candidate, elected public official, or issue must identify
7 each person or organization sponsoring the call by stating:

8 "This call is paid for by ...(insert name of each person or
9 organization sponsoring the call)...." If the expenditure for
10 the telephone call is a contribution to a candidate, the name
11 of the candidate and the office sought must also be
12 identified. This paragraph does not apply to any telephone
13 call in which the individual making the call is not being paid
14 or in which the individuals participating in the call know
15 each other prior to the call.

16 (b) A telephone call conducted for the purpose of
17 polling respondents concerning any candidate, elected public
18 official, or issue which exceeds 3 minutes in duration and
19 which is part of a series of like telephone calls that
20 consists of fewer than 1,000 completed calls is presumed to be
21 a political poll and not subject to the provisions of
22 paragraph (a).

23 (2)(a) A telephone call supporting or opposing any
24 candidate, elected public official, or issue may not state or
25 imply that the caller represents any person or organization
26 unless the person or organization so represented has given
27 specific approval in writing to make such representation.

28 (b) A telephone call supporting or opposing any
29 candidate, elected public official, or issue may not state or
30 imply that the caller represents a nonexistent person or
31 organization.

1 (3) A person who willfully violates any provision of
2 this section is subject to the civil penalties prescribed in
3 s. 106.265.

4 Section 10. Subsection (2) of section 104.271, Florida
5 Statutes, is amended to read:

6 104.271 False or malicious charges against, or false
7 statements about, opposing candidates; penalty.--

8 (2) Any candidate who, in a primary election or other
9 election, with actual malice makes or causes to be made any
10 statement about an opposing candidate which is false is guilty
11 of a violation of this code. An aggrieved candidate may file
12 a complaint with the Florida Elections Commission ~~Division of~~
13 ~~Elections~~ pursuant to s. 106.25. The commission ~~division~~
14 shall adopt rules to provide an expedited hearing ~~before the~~
15 ~~Florida Elections Commission~~ of complaints filed under this
16 subsection. Notwithstanding any other provision of law, the
17 ~~Florida Elections~~ commission shall assess a civil penalty of
18 up to \$5,000 against any candidate found in violation of this
19 subsection, which shall be deposited to the account of the
20 General Revenue Fund of the state.

21 Section 11. Subsection (2) of section 106.19, Florida
22 Statutes, is amended to read:

23 106.19 Violations by candidates, persons connected
24 with campaigns, and political committees.--

25 (2) Any candidate, campaign treasurer, or deputy
26 treasurer; any chair, vice chair, or other officer of any
27 political committee; any agent or person acting on behalf of
28 any candidate or political committee; or any other person who
29 violates paragraph (a), paragraph (b), or paragraph (d) of
30 subsection (1) shall be subject to a civil penalty equal to
31 three ~~3~~ times the amount involved in the illegal act. Such

1 penalty may be in addition to the penalties provided by
2 subsection (1) and shall be paid into the General Revenue Fund
3 of this state. The Florida Elections Commission ~~Division of~~
4 ~~Elections~~ shall have authority to bring a civil action in
5 circuit court to recover such civil penalty.

6 Section 12. Subsection (7) of section 106.22, Florida
7 Statutes, is amended to read:

8 106.22 Duties of the Division of Elections.--It is the
9 duty of the Division of Elections to:

10 (7) Report to the Florida Elections Commission any
11 failure to file a report or information required by this
12 chapter or any apparent violation of this chapter.
13 ~~investigate apparent or alleged violations of this chapter and~~
14 ~~recommend legal disposition of the violation as provided in s.~~
15 ~~106.25.~~

16 Section 13. Section 106.23, Florida Statutes, is
17 amended to read:

18 106.23 Advisory opinions ~~Powers~~ of the Florida
19 Elections Commission ~~Division of Elections~~.--

20 ~~(1) In order to carry out the responsibilities~~
21 ~~prescribed by this chapter, the Division of Elections is~~
22 ~~empowered to subpoena and bring before its duly authorized~~
23 ~~representatives any person in the state, or any person doing~~
24 ~~business in the state, or any person who has filed or is~~
25 ~~required to have filed any application, document, papers or~~
26 ~~other information with an office or agency of this state or a~~
27 ~~political subdivision thereof and to require the production of~~
28 ~~any papers, books, or other records relevant to any~~
29 ~~investigation, including the records and accounts of any bank~~
30 ~~or trust company doing business in this state. Duly~~
31 ~~authorized representatives of the division are empowered to~~

1 ~~administer all oaths and affirmations in the manner prescribed~~
2 ~~by law to witnesses who shall appear before them concerning~~
3 ~~any relevant matter. Should any witness fail to respond to~~
4 ~~the lawful subpoena of the division or, having responded, fail~~
5 ~~to answer all lawful inquiries or to turn over evidence that~~
6 ~~has been subpoenaed, the division may file a complaint before~~
7 ~~any circuit court of the state setting up such failure on the~~
8 ~~part of the witness. On the filing of such complaint, the~~
9 ~~court shall take jurisdiction of the witness and the subject~~
10 ~~matter of said complaint and shall direct the witness to~~
11 ~~respond to all lawful questions and to produce all documentary~~
12 ~~evidence in the witness's possession which is lawfully~~
13 ~~demand. The failure of any witness to comply with such~~
14 ~~order of the court shall constitute a direct and criminal~~
15 ~~contempt of court, and the court shall punish said witness~~
16 ~~accordingly. However, the refusal by a witness to answer~~
17 ~~inquiries or turn over evidence on the basis that such~~
18 ~~testimony or material will tend to incriminate such witness~~
19 ~~shall not be deemed refusal to comply with the provisions of~~
20 ~~this chapter.~~

21 (2) The Florida Elections Commission ~~Division of~~
22 ~~Elections~~ shall provide advisory opinions when requested by
23 any supervisor of elections, candidate, local officer having
24 election-related duties, political party, political committee,
25 committee of continuous existence, or other person or
26 organization engaged in political activity, relating to any
27 provisions or possible violations of Florida election laws
28 with respect to actions such supervisor, candidate, local
29 officer having election-related duties, political party,
30 committee, person, or organization has taken or proposes to
31 take. A written record of all such opinions issued by the

1 commission ~~division~~, sequentially numbered, dated, and indexed
2 by subject matter, shall be retained. A copy shall be sent to
3 said person or organization upon request. Any such person or
4 organization, acting in good faith upon such an advisory
5 opinion, shall not be subject to any criminal penalty provided
6 for in this chapter. The opinion, until amended or revoked,
7 shall be binding on any person or organization who sought the
8 opinion or with reference to whom the opinion was sought,
9 unless material facts were omitted or misstated in the request
10 for the advisory opinion.

11 Section 14. Section 106.24, Florida Statutes, is
12 amended to read:

13 106.24 Florida Elections Commission; membership;
14 powers; duties.--

15 (1)(a) There is created within the Department of State
16 a Florida Elections Commission, hereinafter referred to as the
17 commission. The commission shall be a separate budget entity,
18 and its director shall be the agency head for all purposes.
19 The commission shall not be subject to control, supervision,
20 or direction by the Department of State in the performance of
21 its duties, including, but not limited to, personnel,
22 purchasing transactions involving real or personal property,
23 and budgetary matters.

24 (b) The commission ~~It~~ shall be composed of seven
25 members, including a chair, all of whom shall be appointed by
26 the Governor with the approval of three members of the Cabinet
27 and subject to confirmation by the Senate. Members of the
28 commission appointed by the Governor shall serve for 4-year
29 terms. The chair of the commission shall be designated by the
30 Governor. Vacancies on the commission shall be filled for the
31 unexpired terms in the manner of the original appointment to

1 the vacated position. Members of the commission may not serve
2 more than two terms. Members of the commission shall be paid
3 travel and per diem as provided in s. 112.061 while in
4 performance of their duties and in traveling to, from, and
5 upon same. Of the seven members of the commission, no more
6 than four members shall be from the same political party at
7 any one time.

8 (2) No member of the commission shall be a member of
9 any county, state, or national committee of a political party;
10 be an officer in any partisan political club or organization;
11 or hold, or be a candidate for, any other public office. No
12 person shall be appointed as a member of the commission who
13 has held an elective public office or office in a political
14 party within the year immediately preceding his or her
15 appointment.

16 (3) The commission shall convene at the call of its
17 chair or at the request of a majority of the members of the
18 commission. The presence of four members is required to
19 constitute a quorum, and the affirmative vote of the majority
20 of the members present is required for any action or
21 recommendation by the commission. The commission may meet in
22 any city of the state.

23 (4) The commission shall appoint an executive
24 director, who shall serve under the direction, supervision,
25 and control of the commission. The executive director, with
26 the consent of the commission, shall employ such staff as are
27 necessary to adequately perform the functions of the
28 commission, within budgetary limitations. All employees,
29 except the executive director and attorneys, are subject to
30 part II of chapter 110. The executive director shall serve at
31 the pleasure of the commission and be subject to part III of

1 chapter 110, except that the commission shall have complete
2 authority for setting the executive director's salary.
3 Attorneys employed by the commission shall be subject to part
4 V of chapter 110. ~~The Division of Elections shall provide~~
5 ~~administrative support and services to the commission to carry~~
6 ~~out its duties pursuant to this chapter. The division shall~~
7 ~~employ such staff as are necessary to adequately perform the~~
8 ~~functions of the commission, within budgetary limitations.~~

9 (5) Hearings shall be held before the commission,
10 except that the chair may direct that any hearing be held
11 before one member of the commission or a panel of less than
12 the full commission. The commission shall adopt rules to
13 provide for the filing of a report when hearings are held by a
14 single commissioner or a panel, which rules shall prescribe
15 the time for filing the report and the contents of the report.

16 (6) There is hereby established in the State Treasury
17 an Elections Commission Trust Fund to be utilized by the
18 ~~Division of Elections and the Florida Elections~~ commission in
19 order to carry out its ~~their~~ duties pursuant to ss.
20 106.24-106.28.

21 (7) ~~The department, in consultation with the~~
22 ~~commission, shall develop a budget request pursuant to chapter~~
23 216 annually. The budget is not subject to change by the
24 department, but it ~~which~~ shall be submitted by the department
25 to the Governor for transmittal to the Legislature.

26 (8) The commission is authorized to contract or
27 consult with appropriate agencies of state government for such
28 professional assistance as may be needed in the discharge of
29 its duties.

30 Section 15. Section 106.25, Florida Statutes, 1996
31 Supplement, is amended to read:

1 106.25 Reports of alleged violations to Florida
2 Elections Commission ~~Department of State~~; disposition of
3 findings.--

4 (1) Jurisdiction to investigate and determine
5 violations of this chapter is vested in the ~~Division of~~
6 ~~Elections and the~~ Florida Elections Commission; however,
7 nothing in this section limits the jurisdiction of any other
8 officers or agencies of government empowered by law to
9 investigate, act upon, or dispose of alleged violations of
10 this code.

11 (2) The commission ~~Division of Elections~~ shall
12 investigate ~~and report to the Florida Elections Commission~~ all
13 violations of this chapter with or without having received a
14 sworn complaint, ~~and may conduct random audits and~~
15 ~~investigations with respect to reports and statements filed~~
16 ~~under this chapter and with respect to the alleged failure to~~
17 ~~file any reports and statements required under this chapter.~~
18 However, any person, other than the commission ~~division~~,
19 having information of any violation of this chapter shall file
20 a sworn complaint with the commission ~~Division of Elections~~.
21 Such sworn complaint shall state whether a complaint of the
22 same violation has been made to any state attorney. Within 5
23 days after receipt of a sworn complaint, the commission shall
24 transmit a copy of the complaint to the alleged violator.

25 (3) For the purposes of ~~Florida Elections~~ commission
26 jurisdiction, a violation shall mean the willful performance
27 of an act prohibited by this chapter or the willful failure to
28 perform an act required by this chapter.

29 (4) The commission ~~Division of Elections~~ shall
30 undertake a preliminary investigation to determine if the
31 facts alleged in a sworn complaint or a matter initiated by

1 the commission ~~division~~ constitute probable cause to believe
2 that a violation has occurred. Upon completion of the
3 preliminary investigation the commission ~~division~~ shall, by
4 written report, find probable cause or no probable cause to
5 believe that this chapter or s. 104.271 has been violated.

6 (a) If no probable cause is found, the commission
7 ~~division~~ may dismiss the case and the case shall become a
8 matter of public record, except as otherwise provided in this
9 section, together with a written statement of the findings of
10 the preliminary investigation and a summary of the facts which
11 the commission ~~division~~ shall send to the complainant and the
12 alleged violator.

13 (b) If probable cause is found, the commission
14 ~~division~~ shall so notify the complainant and the alleged
15 violator in writing ~~and shall refer the case to the~~
16 ~~commission~~. All documents made or received in the disposition
17 of the complaint shall become public records upon a finding by
18 the commission.

19
20 In a case where probable cause is found ~~by the commission~~, the
21 commission shall make a preliminary determination to consider
22 the matter or to refer the matter to the state attorney for
23 the judicial circuit in which the alleged violation occurred.

24 (5) When the commission does not refer the matter to
25 the state attorney, a hearing before a hearing officer from
26 the Division of Administrative Hearings shall be held pursuant
27 to chapter 120 if the commission receives a written request
28 for such a hearing from the alleged violator within 20 days
29 after receipt of the probable cause determination.

30 (6)(5) It is the duty of a state attorney receiving a
31 complaint referred by the commission to investigate the

1 complaint promptly and thoroughly; to undertake such criminal
2 or civil actions as are justified by law; and to report to the
3 commission the results of such investigation, the action
4 taken, and the disposition thereof. The failure or refusal of
5 a state attorney to prosecute or to initiate action upon a
6 complaint or a referral by the commission shall not bar
7 further action by the commission under this chapter.

8 (7)~~(6)~~ Every sworn complaint filed pursuant to this
9 chapter with the ~~Division of Elections or the Florida~~
10 ~~Elections~~ commission, every ~~division~~ investigation and
11 investigative report or other paper of the ~~division or~~
12 commission with respect to a violation of this chapter, and
13 every proceeding of the commission with respect to a violation
14 of this chapter is confidential, is exempt from the provisions
15 of ss. 119.07(1) and 286.011, and is exempt from publication
16 in the Florida Administrative Weekly of any notice or agenda
17 with respect to any proceeding relating to such violation,
18 except under the following circumstances:

19 (a) As provided in subsection (6)~~(5)~~;

20 (b) Upon a determination of probable cause or no
21 probable cause by the commission; or

22 ~~(c) After a finding of no probable cause is made by~~
23 ~~the division and the case is not appealed; or~~

24 (c)~~(d)~~ For proceedings conducted with respect to
25 appeals of fines levied by filing officers for the late filing
26 of reports required by this chapter.

27
28 However, a complainant is not bound by the confidentiality
29 provisions of this section. In addition, confidentiality may
30 be waived in writing by the person against whom the complaint
31 has been filed or the investigation has been initiated. If a

1 finding of probable cause in a case is entered within 30 days
2 prior to the date of the election with respect to which the
3 alleged violation occurred, such finding and the proceedings
4 and records relating to such case shall not become public
5 until noon of the day following such election. When two or
6 more persons are being investigated by the commission ~~division~~
7 with respect to an alleged violation of this chapter, the
8 ~~division or the~~ commission may not publicly enter a finding of
9 probable cause or no probable cause in the case until a
10 finding of probable cause or no probable cause for the entire
11 case has been determined. However, once the confidentiality
12 of any case has been breached, the person or persons under
13 investigation have the right to waive the confidentiality of
14 the case, thereby opening up the proceedings and records to
15 the public. Any person who discloses any information or
16 matter made confidential by the provisions of this subsection
17 commits a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 ~~(7) Dismissal of a case by the division, based on a~~
20 ~~finding of no probable cause, may be appealed to the~~
21 ~~commission by the complainant. Any complainant intending to~~
22 ~~appeal such dismissal must, within 30 days after the~~
23 ~~dismissal, file a request for a hearing before the commission~~
24 ~~with the division.~~

25 (8) Any person who files a complaint pursuant to this
26 section while knowing that the allegations contained in such
27 complaint are false or without merit commits a misdemeanor of
28 the first degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 Section 16. Subsection (1) of section 106.26, Florida
31 Statutes, is amended to read:

1 106.26 Powers of commission; rights and
2 responsibilities of parties; findings by commission.--

3 (1) The commission shall, pursuant to rules adopted
4 and published in accordance with chapter 120, consider all
5 sworn complaints filed with it and all matters reported to it
6 ~~by the Division of Elections or otherwise coming to its~~
7 ~~attention, including appeals of division dismissals of cases~~
8 ~~based on no probable cause.~~ In order to carry out its duties,
9 the commission may, whenever required, issue subpoenas and
10 other necessary process to compel the attendance of witnesses
11 before it. The chair thereof shall issue said process on
12 behalf of the commission. The chair or any other member of
13 the commission may administer all oaths and affirmations in
14 the manner prescribed by law to witnesses who shall appear
15 before the commission for the purpose of testifying in any
16 matter about which the commission may desire evidence. The
17 commission, whenever required, may also compel by subpoena the
18 production of any books, letters, or other documentary
19 evidence it may desire to examine in reference to any matter
20 before it. The sheriffs in the several counties shall make
21 such service and execute all process or orders when required
22 by the commission. Sheriffs shall be paid for these services
23 by the commission as provided for in s. 30.231. Any person
24 who is served with a subpoena to attend a hearing of the
25 commission also shall be served with a general statement
26 informing him or her of the subject matter of the commission's
27 investigation or inquiry and a notice that he or she may be
28 accompanied at the hearing by counsel of his or her own
29 choosing.

30 Section 17. Effective upon this act becoming a law,
31 section 106.295, Florida Statutes, is amended to read:

1 106.295 Leadership funds; prohibited contributions
2 fund.--

3 (1) For purposes of this section:

4 (a) "Leadership fund" means accounts comprised of any
5 moneys contributed to a political party, directly or
6 indirectly, which are designated to be used at the partial or
7 total discretion of a person in a leadership position ~~leader~~.

8 (b) "Leadership position ~~leader~~" means the President
9 of the Senate, the Speaker of the House of Representatives,
10 the majority leader and the minority leader of each house, and
11 any person designated by a political caucus of members of
12 either house to succeed to any such position.

13 (2) Leadership funds are prohibited in this state. In
14 addition, no person, political party, political committee, or
15 committee of continuous existence may accept or solicit
16 contributions for any legislative campaign if such funds are
17 raised to directly or indirectly enable a legislator to
18 acquire or maintain a leadership position. ~~No leader shall~~
19 ~~accept any leadership funds.~~

20 (3) This section applies to leadership funds in
21 existence on or after, and to contributions accepted or
22 solicited on or after, the effective date of the amendments to
23 this section by this act ~~January 1, 1990.~~

24 Section 18. Section 106.297, Florida Statutes, is
25 created to read:

26 106.297 Voluntary campaign expenditure limitations for
27 legislative candidates; affidavit; postelection audit;
28 exemption from filing fees; penalties; ballot designation.--

29 (1)(a) Any candidate for legislative office may
30 voluntarily agree to abide by the expenditure limitations
31 provided in this section. At the time of qualifying, each

1 candidate for legislative office must file an affidavit of
2 acceptance or rejection of the voluntary expenditure
3 limitations provided in this section. The affidavit shall
4 state that the candidate knows the voluntary expenditure
5 limitations provided in this section and that the candidate
6 voluntarily agrees to abide by those expenditure limitations
7 and will submit an independent postelection audit of the
8 candidate's campaign account to the division. The affidavit
9 must be sworn and subscribed to by the candidate and notarized
10 and may not be filed with the division later than the end of
11 qualifying.

12 (b) Notwithstanding any provision of law to the
13 contrary, if a candidate for legislative office agrees to
14 abide by the voluntary expenditure limitations provided in
15 this section, the candidate is not required to pay the filing
16 fee.

17 (2)(a) Total expenditures by a candidate for
18 legislative office who has voluntarily agreed to abide by the
19 expenditure limitations as provided in subsection (1) shall be
20 limited as follows:

21 1. In a primary election, \$1 per person in the voting
22 age population in the district.

23 2. In a general election, \$1 per person in the voting
24 age population in the district.

25 3. In a special election, \$1 per person in the voting
26 age population in the district.

27
28 Each limitation on total expenditures specified in this
29 paragraph applies to a single election only and only to the
30 election so specified.

31

1 (b) For purposes of this section, the term "total
2 expenditures" means the sum of all expenditures, excluding
3 independent expenditures, made by or on behalf of a candidate
4 to influence the results of an election, whether a primary
5 election, a general election, or a special election.

6 (c) In addition to any other penalties that may be
7 applicable under the election code, any candidate for
8 legislative office who has voluntarily agreed to abide by the
9 expenditure limitations provided in this section and who then
10 exceeds the limitation on total expenditures for an election,
11 whether a primary election, a general election, or a special
12 election, shall be fined an amount equal to three times the
13 amount in excess of that limitation, which shall be deposited
14 in the Elections Commission Trust Fund. In addition, the
15 candidate shall be required to pay the filing fee, from which
16 the candidate had previously been exempt under paragraph
17 (1)(b).

18 (3) The Secretary of State and local elections
19 officials shall prominently designate on the sample ballot and
20 on the official ballot those candidates for legislative office
21 who have voluntarily agreed to abide by the expenditure
22 limitations provided in this section.

23 Section 19. If any provision of this act or the
24 application thereof to any person or circumstance is held
25 invalid, the invalidity shall not affect other provisions or
26 applications of the act which can be given effect without the
27 invalid provision or application, and to this end the
28 provisions of this act are declared severable.

29 Section 20. Except as otherwise provided herein, this
30 act shall take effect January 1, 1998.
31

516-175A-97

HOUSE SUMMARY

Revises requirements for nomination as a candidate of a political party relating to duration of political party affiliation.

With respect to limitations on campaign contributions, provides a lower limit for contributions from certain lobbyists to candidates who are or were, within a specified period, legislators. Revises provisions relating to the return of contributions by unopposed candidates. Requires the reporting of illegal contributions and attempts to make illegal contributions. Increases civil and criminal penalties for certain repeat offenses. With respect to sentencing guidelines, provides an offense level for felonies involving indirect political contributions.

Revises notice requirements for independent expenditures in excess of \$1,000 that support or oppose a candidate, and applies such requirements to political parties. Increases the fine that may be levied for violation of such notice requirements. Prohibits political parties that accept filing fees from making independent expenditures.

With respect to disposition of surplus funds by candidates, prohibits reimbursement by the campaign for any reported contributions by the candidate to the campaign.

Provides requirements for political advertisements with respect to candidate approval. Provides disclosure requirements and prohibitions relating to political solicitation by telephone.

Authorizes filing of complaints with the Florida Elections Commission relating to false statements about candidates. Eliminates authority of the Division of Elections to bring civil actions to recover certain civil penalties and extends that authority to the commission. Deletes duties of the division relating to investigation of complaints, and requires the division to report certain information to the commission. Deletes powers of the division to issue subpoenas and administer oaths relating to investigation of alleged violations of ch. 106, F.S., relating to campaign financing. Transfers from the division to the commission responsibility to issue advisory opinions of Florida election law. Revises administrative and organizational structure of the commission. Provides for appointment of an executive director and employment of staff. Authorizes the commission to contract or consult with other state agencies for assistance as needed. Vests the commission

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1 with jurisdiction to investigate and determine violations
2 of ch. 106, F.S. Requires transmittal of a copy of a
3 sworn complaint to the alleged violator. Provides for an
4 administrative hearing upon written request of the
5 alleged violator. Provides rulemaking authority to the
6 commission relating to its investigative
7 responsibilities.

8
9 Revises provisions relating to leadership funds.
10 Prohibits the acceptance or solicitation of contributions
11 for any legislative campaign if such funds are raised to
12 enable a legislator to acquire or maintain a leadership
13 position.

14
15 Provides for voluntary expenditure limits for candidates
16 for legislative office. Requires an affidavit of
17 acceptance or rejection of such limits. Requires a
18 postelection audit of the campaign account of any
19 candidate agreeing to abide by such limits. Exempts
20 candidates who agree to abide by such limits from filing
21 fees. Provides penalties for those who have agreed to
22 abide by and then exceed such limits. Provides for
23 designation of candidates who have agreed to abide by
24 such limits on sample ballots and on official ballots.

25
26 See bill for details.
27
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31