

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

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

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Representative(s) Flanagan offered the following:

Amendment to Amendment (774083) (with title amendment)

On page 13, between lines 19 and 20 of the amendment

insert:

Section 12. Section 106.141, Florida Statutes, as amended by section 16 of chapter 97-13, Laws of Florida, is amended to read:

106.141 Disposition of surplus funds by candidates.--

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate

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1 and the refund disposed of under this section. An amended
2 report must be filed showing the refund and subsequent
3 disposition.

4 (2) Any candidate required to dispose of funds
5 pursuant to this section may, prior to such disposition, be
6 reimbursed by the campaign, in full or in part, for any
7 reported contributions by the candidate to the campaign.

8 (3) The campaign treasurer of a candidate who
9 withdraws his or her candidacy, becomes unopposed, or is
10 eliminated as a candidate or elected to office and who has
11 funds on deposit in a separate interest-bearing account or
12 certificate of deposit shall, within 7 days after the date of
13 becoming unopposed or the date of such withdrawal,
14 elimination, or election, transfer such funds and the
15 accumulated interest earned thereon to the campaign account of
16 the candidate for disposal under this section. However, if
17 the funds are in an account in which penalties will apply for
18 withdrawal within the 7-day period, the campaign treasurer
19 shall transfer such funds and the accumulated interest earned
20 thereon as soon as the funds can be withdrawn without penalty,
21 or within 90 days after the candidate becomes unopposed,
22 withdraws his or her candidacy, or is eliminated or elected,
23 whichever comes first.

24 (4)(a) Except as provided in paragraph (b), any
25 candidate required to dispose of funds pursuant to this
26 section shall, at the option of the candidate, dispose of such
27 funds by any of the following means, or any combination
28 thereof:

29 1. Return pro rata to each contributor the funds that
30 have not been spent or obligated.

31 2. Donate the funds that have not been spent or

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1 obligated to a charitable organization or organizations that
2 meet the qualifications of s. 501(c)(3) of the Internal
3 Revenue Code.

4 3. Give not more than \$10,000 of the funds that have
5 not been spent or obligated to the political party of which
6 such candidate is a member.

7 4. Give the funds that have not been spent or
8 obligated:

9 a. In the case of a candidate for state office, to the
10 state, to be deposited in either the Election Campaign
11 Financing Trust Fund or the General Revenue Fund, as
12 designated by the candidate; or

13 b. In the case of a candidate for an office of a
14 political subdivision, to such political subdivision, to be
15 deposited in the general fund thereof.

16 (b) Any candidate required to dispose of funds
17 pursuant to this section who has received contributions from
18 the Election Campaign Financing Trust Fund shall return all
19 surplus campaign funds to the Election Campaign Financing
20 Trust Fund.

21 (5) A candidate elected to office or a candidate who
22 will be elected to office by virtue of his or her being
23 unopposed may, in addition to the disposition methods provided
24 in subsection (4), transfer from the campaign account to an
25 office account any amount of the funds on deposit in such
26 campaign account up to:

27 (a) Ten thousand dollars, for a candidate for
28 statewide office. The Governor and Lieutenant Governor shall
29 be considered separate candidates for the purpose of this
30 section.

31 (b) Five thousand dollars, for a candidate for

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1 multicounty office.

2 (c) Two thousand five hundred dollars multiplied by
3 the number of years in the term of office for which elected,
4 for a candidate for legislative office.

5 (d) One thousand dollars multiplied by the number of
6 years in the term of office for which elected, for a candidate
7 for county office or for a candidate in any election conducted
8 on less than a countywide basis.

9 (e) Six thousand dollars, for a candidate for
10 retention as a justice of the Supreme Court.

11 (f) Three thousand dollars, for a candidate for
12 retention as a judge of a district court of appeal.

13 (g) One thousand five hundred dollars, for a candidate
14 for county court judge or circuit judge.

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16 The office account established pursuant to this subsection
17 shall be separate from any personal or other account. Any
18 funds so transferred by a candidate shall be used only for
19 legitimate expenses in connection with the candidate's public
20 office. Such expenses may include travel expenses incurred by
21 the officer or a staff member, personal taxes payable on
22 office account funds by the candidate or elected public
23 official, or expenses incurred in the operation of his or her
24 office, including the employment of additional staff. The
25 funds may be deposited in a savings account; however, all
26 deposits, withdrawals, and interest earned thereon shall be
27 reported at the appropriate reporting period. If a candidate
28 is reelected to office or elected to another office and has
29 funds remaining in his or her office account, he or she may
30 transfer surplus campaign funds to the office account. At no
31 time may the funds in the office account exceed the limitation

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1 imposed by this subsection. Upon leaving public office, any
2 person who has funds in an office account pursuant to this
3 subsection remaining on deposit shall give such funds to a
4 charitable organization or organizations which meet the
5 requirements of s. 501(c)(3) of the Internal Revenue Code or,
6 in the case of a state officer, to the state to be deposited
7 in the General Revenue Fund or, in the case of an officer of a
8 political subdivision, to the political subdivision to be
9 deposited in the general fund thereof.

10 (6)(a) A candidate elected to office or a candidate
11 who will be elected to office by virtue of his or her being
12 unopposed may, in addition to the disposition methods provided
13 in subsections (4) and (5), transfer up to \$10,000 from the
14 funds on deposit in the campaign account to a re-election
15 account. The re-election account established pursuant to this
16 subsection shall be separate from any personal or other
17 account, and the candidate shall designate the re-election
18 account as his or her primary campaign depository pursuant to
19 s. 106.021. Funds in the re-election account may only be used
20 for campaign-related expenses in connection with the
21 candidate's re-election to the same office and, with regard to
22 a state legislator, for re-election from the same district.

23 (b)1. If a candidate for re-election withdraws his or
24 her candidacy, and has transferred funds into a re-election
25 account pursuant to paragraph (a), he or she shall give the
26 amount of the funds transferred, to the extent such funds are
27 available in the account, to a charitable organization or
28 organizations which meet the requirements of s. 501(c)(3) of
29 the Internal Revenue Code or, in the case of a state officer,
30 to the state to be deposited in the General Revenue Fund or,
31 in the case of an officer of a political subdivision, to the

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1 political subdivision to be deposited in the general revenue
2 fund thereof.

3 2. Any surplus funds in a campaign depository
4 originating as a re-election account which are not disbursed
5 pursuant to subparagraph 1. shall be disposed of pursuant to
6 subsections (4) or (5).

7 (7)(6) Prior to disposing of funds pursuant to
8 subsection (4) or transferring funds into a separate an office
9 account pursuant to subsections (5) or (6), any candidate who
10 filed an oath stating that he or she was unable to pay the
11 election assessment or fee for verification of petition
12 signatures without imposing an undue burden on his or her
13 personal resources or on resources otherwise available to him
14 or her, or who filed both such oaths, or who qualified by the
15 alternative method and was not required to pay an election
16 assessment, shall reimburse the state or local governmental
17 entity, whichever is applicable, for such waived assessment or
18 fee or both. Such reimbursement shall be made first for the
19 cost of petition verification and then, if funds are
20 remaining, for the amount of the election assessment. If
21 there are insufficient funds in the account to pay the full
22 amount of either the assessment or the fee or both, the
23 remaining funds shall be disbursed in the above manner until
24 no funds remain. All funds disbursed pursuant to this
25 subsection shall be remitted to the qualifying officer. Any
26 reimbursement for petition verification costs which are
27 reimbursable by the state shall be forwarded by the qualifying
28 officer to the state for deposit in the General Revenue Fund.
29 All reimbursements for the amount of the election assessment
30 shall be forwarded by the qualifying officer to the Department
31 of State for deposit in the Elections Commission Trust Fund.

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1 ~~(8)~~(7) Any candidate required to dispose of campaign
2 funds pursuant to this section shall do so within the time
3 required by this section and shall, on or before the date by
4 which such disposition is to have been made, file with the
5 officer with whom reports are required to be filed pursuant to
6 s. 106.07 a form prescribed by the Division of Elections
7 listing:

8 (a) The name and address of each person or unit of
9 government to whom any of the funds were distributed and the
10 amounts thereof;

11 (b) The name and address of each person to whom an
12 expenditure was made, together with the amount thereof and
13 purpose therefor; and

14 (c) The amount of such funds transferred to an office
15 account by the candidate, together with the name and address
16 of the bank in which the office account is located.

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18 Such report shall be signed by the candidate and the campaign
19 treasurer and certified as true and correct pursuant to s.
20 106.07. Any candidate failing to file a report on the
21 designated due date shall be subject to a fine as provided in
22 s. 106.07 for submitting late reports.

23 ~~(9)~~(8) Any candidate elected to office who transfers
24 surplus campaign funds into an office account pursuant to
25 subsection (5) shall file a report on the 10th day following
26 the end of each calendar quarter until the account is closed.
27 Such reports shall contain the name and address of each person
28 to whom any disbursement of funds was made, together with the
29 amount thereof and the purpose therefor, and the name and
30 address of any person from whom the elected candidate received
31 any refund or reimbursement and the amount thereof. Such

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1 reports shall be on forms prescribed by the Division of
2 Elections, signed by the elected candidate, certified as true
3 and correct, and filed with the officer with whom campaign
4 reports were filed pursuant to s. 106.07(2).

5 (10)~~(9)~~ Any candidate, or any person on behalf of a
6 candidate, who accepts contributions after such candidate has
7 withdrawn his or her candidacy, after the candidate has become
8 an unopposed candidate, or after the candidate has been
9 eliminated as a candidate or elected to office commits a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.

12 (11)~~(10)~~ Any candidate who is required by the
13 provisions of this section to dispose of funds in his or her
14 campaign account and who fails to dispose of the funds in the
15 manner provided in this section commits a misdemeanor of the
16 first degree, punishable as provided in s. 775.082 or s.
17 775.083.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 15, line 6 of the amendment
23 remove: all of saidline

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25 and insert in lieu thereof:

26 expenditure; amending s. 106.141, F.S.;
27 providing for disposition of surplus campaign
28 funds to a separate re-election account;

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