



1 primary or incidental purpose of which is to support or oppose  
2 any candidate, issue, or political party, which accepts  
3 contributions or makes expenditures during a calendar year in  
4 an aggregate amount in excess of \$500.+"Political committee"  
5 also means the sponsor of a proposed constitutional amendment  
6 by initiative who intends to seek the signatures of registered  
7 electors."Political committee" also includes a combination of  
8 two or more individuals or a person other than an individual  
9 which anticipates spending funds, or makes expenditures, for  
10 political advertising in support of or in opposition to an  
11 elected public official during a calendar year in an aggregate  
12 amount in excess of \$500.Organizations which are certified by  
13 the Department of State as committees of continuous existence  
14 pursuant to s. 106.04, national political parties, and the  
15 state and county executive committees of political parties  
16 regulated by chapter 103 shall not be considered political  
17 committees for the purposes of this chapter. Corporations  
18 regulated by chapter 607 or chapter 617 or other business  
19 entities formed for purposes other than to support or oppose  
20 issues or candidates are not political committees if their  
21 political activities are limited to contributions to  
22 candidates, political parties, or political committees or  
23 expenditures in support of or opposition to an issue from  
24 corporate or business funds and if no contributions are  
25 received by such corporations or business entities.

26 (3) "Contribution" means:

27 (a) A gift, subscription, conveyance, deposit, loan,  
28 payment, or distribution of money or anything of value,  
29 including contributions in kind having an attributable  
30 monetary value in any form, made for the purpose of  
31 influencing the results of an election.

1 (b) A transfer of funds between political committees,  
2 between committees of continuous existence, or between a  
3 political committee and a committee of continuous existence.

4 (c) The payment, by any person other than a candidate  
5 or political committee, of compensation for the personal  
6 services of another person which are rendered to a candidate  
7 or political committee without charge to the candidate or  
8 committee for such services.

9 (d) The transfer of funds by a campaign treasurer or  
10 deputy campaign treasurer between a primary depository and a  
11 separate interest-bearing account or certificate of deposit,  
12 and the term includes any interest earned on such account or  
13 certificate.

14 (e) Any funds received by a political committee which  
15 are used or intended to be used, directly or indirectly, to  
16 pay for a political advertisement supporting or opposing an  
17 elected public official.

18  
19 Notwithstanding the foregoing meanings of "contribution," the  
20 word shall not be construed to include services, including,  
21 but not limited to, legal and accounting services, provided  
22 without compensation by individuals volunteering a portion or  
23 all of their time on behalf of a candidate or political  
24 committee. This definition shall not be construed to include  
25 editorial endorsements.

26 (4) "Expenditure" means a purchase, payment,  
27 distribution, loan, advance, transfer of funds by a campaign  
28 treasurer or deputy campaign treasurer between a primary  
29 depository and a separate interest-bearing account or  
30 certificate of deposit, or gift of money or anything of value  
31 made for the purpose of influencing the results of an election

1 or for purchasing a political advertisement supporting or  
2 opposing an elected public official. However, "expenditure"  
3 does not include a purchase, payment, distribution, loan,  
4 advance, or gift of money or anything of value made for the  
5 purpose of influencing the results of an election when made by  
6 an organization, in existence prior to the time during which a  
7 candidate qualifies or an issue is placed on the ballot for  
8 that election, for the purpose of printing or distributing  
9 such organization's newsletter, containing a statement by such  
10 organization in support of or opposition to a candidate or  
11 issue, which newsletter is distributed only to members of such  
12 organization.

13 (17)(a) "Political advertisement" means a paid  
14 expression in any communications media prescribed in  
15 subsection (13), whether radio, television, newspaper,  
16 magazine, periodical, campaign literature, direct mail, or  
17 display or by means other than the spoken word in direct  
18 conversation, which shall support or oppose any candidate,  
19 elected public official, or issue. In addition, an  
20 advertisement is presumed to be a political advertisement if  
21 it is a paid expression in any communications media described  
22 in subsection (13), whether radio, television, newspaper,  
23 magazine, periodical, campaign literature, direct mail, or  
24 display, or by means other than the spoken word in direct  
25 conversation which substantially mentions or shows a clearly  
26 identifiable candidate for election or reelection and is  
27 distributed at any point during the period following the last  
28 day of qualifying for that candidacy through the ensuing  
29 general election and which, when examined by a reasonable  
30 person, would be understood as a communication intended to  
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1 affect the outcome of an election and for which aggregate  
2 expenditures on like advertisements exceed \$1,000.

3 (b) However, political advertisement does not include:

4 1.(a) A statement by an organization, in existence  
5 prior to the time during which a candidate qualifies or an  
6 issue is placed on the ballot for that election, in support of  
7 or opposition to a candidate or issue, in that organization's  
8 newsletter, which newsletter is distributed only to the  
9 members of that organization.

10 2.(b) Editorial endorsements by any newspaper, radio  
11 or television station, or other recognized news medium.

12 3. A paid expression in any communications media which  
13 mentions or shows a clearly identifiable candidate for  
14 election or reelection which:

15 a. Advertises a business rather than the candidate, is  
16 paid for out of funds of that business, and is similar to  
17 other advertisements for that business which have mentioned or  
18 shown the candidate and have been distributed regularly over a  
19 period of at least 1 year before the qualifying period for  
20 that candidacy; or

21 b. Is distributed or broadcast only to areas other  
22 than the geographical area of the electorate for that  
23 candidacy.

24 Section 2. Subsection (3) of section 106.021, Florida  
25 Statutes, is amended to read:

26 106.021 Campaign treasurers; deputies; primary and  
27 secondary depositories.--

28 (3) Except for independent expenditures, no  
29 contribution or expenditure, including contributions or  
30 expenditures of a candidate or of the candidate's family,  
31 shall be directly or indirectly made or received in

1 furtherance of the candidacy of any person for nomination or  
2 election to political office in the state or on behalf of any  
3 political committee except through the duly appointed campaign  
4 treasurer of the candidate or political committee. However,  
5 expenditures may be made directly by any political committee  
6 or political party regulated by chapter 103 for obtaining  
7 time, space, or services in or by any communications medium  
8 for the purpose of jointly endorsing three or more  
9 candidates., ~~and~~ Any such expenditure for an endorsement which  
10 allocates substantially equal time, space, or service to each  
11 candidate shall not be counted toward the contribution limits  
12 of s. 106.08(2)(a). However, such contribution or expenditure  
13 must be reported by the candidate under s. 106.07 and by the  
14 political party under s. 106.29.~~not be considered a~~  
15 ~~contribution or expenditure to or on behalf of any such~~  
16 ~~candidates for the purposes of this chapter.~~

17 Section 3. Section 106.03, Florida Statutes, is  
18 amended to read:

19 106.03 Registration of political committees.--

20 (1) Each political committee which anticipates  
21 receiving contributions or making expenditures during a  
22 calendar year in an aggregate amount exceeding \$500 or which  
23 is seeking the signatures of registered electors in support of  
24 an initiative shall file a statement of organization as  
25 provided in subsection (4)~~(3)~~ within 10 days after its  
26 organization or, if later, within 10 days after the date on  
27 which it has information which causes the committee to  
28 anticipate that it will receive contributions or make  
29 expenditures in excess of \$500. If a political committee is  
30 organized within 10 days of any election, it shall immediately  
31 file the statement of organization required by this section.

- 1           (2) The statement of organization shall include:  
2           (a) The name and address of the committee;  
3           (b) The names, addresses, and relationships of  
4 affiliated or connected organizations;  
5           (c) The area, scope, or jurisdiction of the committee;  
6           (d) The name, address, ~~and position~~, and principal  
7 employer of the custodian of books and accounts;  
8           (e) The name, address, ~~and position~~, and principal  
9 employer of each other principal officers, including officers  
10 and members of the finance committee, if any;  
11           (f) The name, address, office sought, and party  
12 affiliation of:  
13           1. Each candidate whom the committee is supporting;  
14           2. Any other individual, if any, whom the committee is  
15 supporting for nomination for election, or election, to any  
16 public office whatever;  
17           (g) Any issue or issues such organization is  
18 supporting or opposing;  
19           (h) If the committee is supporting the entire ticket  
20 of any party, a statement to that effect and the name of the  
21 party;  
22           (i) A statement of whether the committee is a  
23 continuing one;  
24           (j) Plans for the disposition of residual funds which  
25 will be made in the event of dissolution;  
26           (k) A listing of all banks, safe-deposit boxes, or  
27 other depositories used for committee funds; and  
28           (l) A statement of the reports required to be filed by  
29 the committee with federal officials, if any, and the names,  
30 addresses, and positions of such officials.  
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1           (3)(a) The name of the committee provided in the  
2 statement of organization must include the name of the  
3 corporation, labor union, professional association, political  
4 committee, committee of continuous existence, or other  
5 business entity whose officials, employees, agents, or  
6 members, directly or indirectly, established or organized the  
7 committee, if any.

8           (b) If the name of the committee provided in the  
9 statement or organization does not include the name of a  
10 corporation, labor union, professional association, political  
11 committee, committee of continuous existence, or other  
12 business entity, the name must include the economic or special  
13 interest, if identifiable, principally represented by the  
14 committee's organizers or intended to be advanced by the  
15 committee's receipts.

16           (c) Any person who knowingly and willfully violates  
17 this section shall be fined not less than \$1,000 and not more  
18 than \$10,000 for each violation. Any officer, partner, agent,  
19 attorney, or other representative of a corporation, labor  
20 union, professional association, political committee,  
21 committee of continuous existence, or other business entity  
22 who aids, abets, advises, or participates in a violation of  
23 any provision of this section shall be fined not less than  
24 \$1,000 and not more than \$10,000 for each violation.

25           (d) Any committee organized before January 1, 2000,  
26 shall have until April 1, 2000, to amend its name, if  
27 necessary, to comply with the requirements of this subsection.

28           ~~(4)~~(3)(a) A political committee which is organized to  
29 support or oppose statewide, legislative, or multicounty  
30 candidates or issues to be voted upon on a statewide or  
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1 multicounty basis shall file a statement of organization with  
2 the Division of Elections.

3 (b) Except as provided in paragraph (c), a political  
4 committee which is organized to support or oppose candidates  
5 or issues to be voted on in a countywide election or  
6 candidates or issues in any election held on less than a  
7 countywide basis shall file a statement of organization with  
8 the supervisor of elections of the county in which such  
9 election is being held.

10 (c) A political committee which is organized to  
11 support or oppose only candidates for municipal office or  
12 issues to be voted on in a municipal election shall file a  
13 statement of organization with the officer before whom  
14 municipal candidates qualify.

15 (d) Any political committee which would be required  
16 under this subsection to file a statement of organization in  
17 two or more locations by reason of the committee's intention  
18 to support or oppose candidates or issues at state or  
19 multicounty and local levels of government need file only with  
20 the Division of Elections.

21 (5)~~(4)~~ Any change in information previously submitted  
22 in a statement of organization shall be reported to the agency  
23 or officer with whom such committee is required to register  
24 pursuant to subsection (4)~~(3)~~, within 10 days following the  
25 change.

26 (6)~~(5)~~ Any committee which, after having filed one or  
27 more statements of organization, disbands or determines it  
28 will no longer receive contributions or make expenditures  
29 during the calendar year in an aggregate amount exceeding \$500  
30 shall so notify the agency or officer with whom such committee  
31 is required to file the statement of organization.

1        (7)~~(6)~~ If the filing officer finds that a political  
2 committee has filed its statement of organization consistent  
3 with the requirements of subsection (2), it shall notify the  
4 committee in writing that it has been registered as a  
5 political committee. If the filing officer finds that a  
6 political committee's statement of organization does not meet  
7 the requirements of subsection (2), it shall notify the  
8 committee of such finding and shall state in writing the  
9 reasons for rejection of the statement of organization.

10        (8)~~(7)~~ The Division of Elections shall adopt  
11 ~~promulgate~~ rules to prescribe the manner in which inactive  
12 committees may be dissolved and have their registration  
13 canceled. Such rules shall, at a minimum, provide for:

14            (a) Notice which shall contain the facts and conduct  
15 which warrant the intended action, including but not limited  
16 to failure to file reports and limited activity.

17            (b) Adequate opportunity to respond.

18            (c) Appeal of the decision to the Florida Elections  
19 Commission. Such appeals shall be exempt from the  
20 confidentiality provisions of s. 106.25.

21        Section 4. Subsections (2) and (5) and paragraph (c)  
22 of subsection (4) of section 106.04, Florida Statutes, are  
23 amended to read:

24            106.04 Committees of continuous existence.--

25            (2) Any group, organization, association, or other  
26 entity may seek certification from the Department of State as  
27 a committee of continuous existence by filing an application  
28 with the Division of Elections on a form provided by the  
29 division. Such application shall provide the information  
30 required of political committees by s. 106.03(2) and (3), and  
31 any change in such information shall be reported pursuant to

1 s. 106.03(5). Each application shall be accompanied by the  
2 name and street address of the principal officer of the  
3 applying entity as of the date of the application; a copy of  
4 the charter or bylaws of the organization; a copy of the dues  
5 or assessment schedule of the organization, or formula by  
6 which dues or assessments are levied; and a complete financial  
7 statement or annual audit summarizing all income received, and  
8 all expenses incurred, by the organization during the 12  
9 months preceding the date of application. A membership list  
10 shall be made available for inspection if deemed necessary by  
11 the division.

12 (4)

13 (c) All committees of continuous existence shall file  
14 the original and one copy of their reports with the Division  
15 of Elections. In addition, a duplicate copy of each report  
16 shall be filed with the supervisor of elections in the county  
17 in which the committee maintains its books and records, except  
18 that if the filing officer to whom the committee is required  
19 to report is located in the same county as the supervisor no  
20 such duplicate report is required to be filed with the  
21 supervisor. Reports shall be on forms provided by the  
22 division and shall contain the following information:

23 1. The full name, address, and occupation of each  
24 person who has made one or more contributions to the committee  
25 during the reporting period, together with the amounts and  
26 dates of such contributions. For corporations, the report  
27 must provide as clear a description as practicable of the  
28 principal type of business conducted by the corporation.  
29 However, if the contribution is \$100 or less, the occupation  
30 of the contributor or principal type of business need not be  
31 listed. However, for any contributions which represent the

1 payment of dues by members in a fixed amount pursuant to the  
2 schedule on file with the Division of Elections, only the  
3 aggregate amount of such contributions need be listed,  
4 together with the number of members paying such dues and the  
5 amount of the membership dues.

6 2. For reporting committees whose name does not  
7 include the name of a corporation, labor union, professional  
8 association, political committee, committee of continuous  
9 existence, or other business entity, or economic or special  
10 interest, the report must include as clear a description as  
11 practicable of a common economic or other special interest, if  
12 any, of a majority of the committee's contributors. For  
13 purposes of this subparagraph, the term "majority of the  
14 committee's contributors" means more than 50 percent of the  
15 total number of contributors who have contributed in excess of  
16 \$100 or more than 50 percent of the sum of all contributions  
17 received in excess of \$100 each.

18 ~~3.2.~~ The name and address of each political committee  
19 or committee of continuous existence from which the reporting  
20 committee received, or the name and address of each political  
21 committee, committee of continuous existence, or political  
22 party to which it made, any transfer of funds, together with  
23 the amounts and dates of all transfers.

24 ~~4.3.~~ Any other receipt of funds not listed pursuant to  
25 subparagraph 1. through ~~or~~ subparagraph ~~3.2.~~, including the  
26 sources and amounts of all such funds.

27 ~~5.4.~~ The name and address of, and office sought by,  
28 each candidate to whom the committee has made a contribution  
29 during the reporting period, together with the amount and date  
30 of each contribution.

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

20           Section 5. Subsection (3) and paragraph (a) of  
21 subsection (4) of section 106.07, Florida Statutes, are  
22 amended to read:

23           106.07 Reports; certification and filing.--

24           (3) Reports required of a political committee shall be  
25 filed with the agency or officer before whom such committee  
26 registers pursuant to s. 106.03(4)~~(3)~~and shall be subject to  
27 the same filing conditions as established for candidates'  
28 reports. Only committees that file with the Department of  
29 State shall file the original and one copy of their reports.  
30 Incomplete reports by political committees shall be treated in  
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1 the manner provided for incomplete reports by candidates in  
2 subsection (2).

3 (4)(a) Each report required by this section shall  
4 contain:

5 1. The full name, address, and occupation, if any of  
6 each person who has made one or more contributions to or for  
7 such committee or candidate within the reporting period,  
8 together with the amount and date of such contributions. For  
9 corporations, the report must provide as clear a description  
10 as practicable of the principal type of business conducted by  
11 the corporation. However, if the contribution is \$100 or less  
12 or is from a relative, as defined in s. 112.312, provided that  
13 the relationship is reported, the occupation of the  
14 contributor or the principal type of business need not be  
15 listed.

16 2. For reporting committees whose name does not  
17 include the name of a corporation, labor union, professional  
18 association, political committee, committee of continuous  
19 existence, or other business entity, or economic or special  
20 interest, the report must include as clear a description as  
21 practicable of a common economic or other special interest, if  
22 any, of a majority of the committee's contributors. For  
23 purposes of this subparagraph, the term "majority of the  
24 committee's contributors" means more than 50 percent of the  
25 total number of contributors who have contributed in excess of  
26 \$100 or more than 50 percent of the sum of all contributions  
27 received in excess of \$100 each.

28 ~~3.2.~~ The name and address of each political committee  
29 from which the reporting committee or the candidate received,  
30 or to which the reporting committee or candidate made, any  
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1 transfer of funds, together with the amounts and dates of all  
2 transfers.

3 ~~4.3.~~ Each loan for campaign purposes to or from any  
4 person or political committee within the reporting period,  
5 together with the full names, addresses, and occupations, and  
6 principal places of business, if any, of the lender and  
7 endorsers, if any, and the date and amount of such loans.

8 ~~5.4.~~ A statement of each contribution, rebate, refund,  
9 or other receipt not otherwise listed under subparagraphs 1.  
10 through ~~4.3.~~

11 ~~6.5.~~ The total sums of all loans, in-kind  
12 contributions, and other receipts by or for such committee or  
13 candidate during the reporting period. The reporting forms  
14 shall be designed to elicit separate totals for in-kind  
15 contributions, loans, and other receipts.

16 ~~7.6.~~ The full name and address of each person to whom  
17 expenditures have been made by or on behalf of the committee  
18 or candidate within the reporting period; the amount, date,  
19 and purpose of each such expenditure; and the name and address  
20 of, and office sought by, each candidate on whose behalf such  
21 expenditure was made. However, expenditures made from the  
22 petty cash fund provided by s. 106.12 need not be reported  
23 individually.

24 ~~8.7.~~ The full name and address of each person to whom  
25 an expenditure for personal services, salary, or reimbursement  
26 for authorized expenses has been made and which is not  
27 otherwise reported, including the amount, date, and purpose of  
28 such expenditure. However, expenditures made from the petty  
29 cash fund provided for in s. 106.12 need not be reported  
30 individually.

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1           ~~9.8.~~ The total amount withdrawn and the total amount  
2 spent for petty cash purposes pursuant to this chapter during  
3 the reporting period.

4           ~~10.9.~~ The total sum of expenditures made by such  
5 committee or candidate during the reporting period.

6           ~~11.10.~~ The amount and nature of debts and obligations  
7 owed by or to the committee or candidate, which relate to the  
8 conduct of any political campaign.

9           ~~12.11.~~ A copy of each credit card statement which  
10 shall be included in the next report following receipt thereof  
11 by the candidate or political committee. Receipts for each  
12 credit card purchase shall be retained by the treasurer with  
13 the records for the campaign account.

14           ~~13.12.~~ The amount and nature of any separate  
15 interest-bearing accounts or certificates of deposit and  
16 identification of the financial institution in which such  
17 accounts or certificates of deposit are located.

18           Section 6. This act shall take effect July 1, 1999.

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