

By the Committee on Governmental Operations and
Representative Flanagan

1 A bill to be entitled
2 An act relating to filing of campaign
3 treasurer's reports; creating s. 106.0705,
4 F.S.; requiring campaign treasurer's reports
5 that are to be filed with the Division of
6 Elections to be filed electronically when
7 aggregate contributions or expenditures exceed
8 a specified amount; providing filing
9 requirements; providing penalties; providing
10 rulemaking authority; amending s. 106.04, F.S.,
11 relating to committees of continuous existence,
12 to conform; removing requirement for duplicate
13 copies of reports; amending s. 106.07, F.S.,
14 relating to campaign treasurer's reports;
15 removing requirement for duplicate reports;
16 revising reporting periods and requirements;
17 amending s. 106.12, F.S.; providing for a petty
18 cash fund based on the revised reporting
19 periods; amending s. 106.29, F.S., relating to
20 reports by political parties; removing
21 requirement for duplicate reports; revising
22 reporting periods and requirements, to conform;
23 amending ss. 105.08, 106.025, 106.08, and
24 106.18, F.S., relating to reporting
25 requirements applicable to candidates for
26 retention to judicial office, campaign fund
27 raisers held on behalf of a political party by
28 its state or county executive committee,
29 nonallocable, in-kind contributions by
30 candidates and political parties, and the
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1 granting of certificates of election, to
2 conform; providing effective dates.

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

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6 Section 1. Section 106.0705, Florida Statutes, is
7 created to read:

8 106.0705 Electronic filing of campaign treasurer's
9 reports.--

10 (1)(a) Each candidate who is required to file reports
11 pursuant to s. 106.07 with the division and who accepts
12 contributions or makes expenditures in an aggregate amount in
13 excess of \$10,000 for the office sought must file such reports
14 with the division by means of electronic transfer.

15 (b) Each political committee, committee of continuous
16 existence, or state executive committee that is required to
17 file reports with the division under s. 106.04, s. 106.07, or
18 s. 106.29, as applicable, and that accepts contributions or
19 makes expenditures in an aggregate amount in excess of \$10,000
20 in a calendar year must file such reports with the division by
21 means of electronic transfer.

22 (c) Reports required to be filed pursuant to s.
23 106.04, s. 106.07, or s. 106.29 which are not subject to the
24 electronic filing provisions of this section may be on forms
25 provided by the division.

26 (2) Reports filed pursuant to this section shall be
27 filed not later than 5 p.m. of the day designated. Reports not
28 received by 5 p.m. of the day designated are late filed and
29 are subject to the penalties under s. 106.04(8), s. 106.07(8),
30 or s. 106.29(3), as applicable.

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1 (3) Each report filed pursuant to this section is
2 considered to be under oath by the person filing the report,
3 and such person is subject to the provisions of s.
4 106.04(4)(d), s. 106.07(5), or s. 106.29(2), as applicable.

5 (4) The division shall adopt rules pursuant to ss.
6 120.536(1) and 120.54 to administer this section and provide
7 for the reports required to be filed pursuant to this section.
8 Such rules shall, at a minimum, provide that:

9 (a) The division develop an electronic filing system
10 based on access by means of the Internet.

11 (b) The electronic filing system be accessible by
12 anyone with Internet access using standard web-browsing
13 software.

14 (c) The electronic filing system provide for direct
15 entry of campaign finance information as well as download of
16 such information from campaign finance software certified by
17 the division.

18 (d) The electronic filing system provide a method that
19 verifies the identity of the person submitting the report.

20 (e) The division provide for alternate filing
21 procedures in case of failure by the division's web server.

22 (f) The division issue an electronic receipt to the
23 person submitting the report indicating and verifying that the
24 report has been filed and received.

25 Section 2. Subsection (4) of section 106.04, Florida
26 Statutes, is amended to read:

27 106.04 Committees of continuous existence.--

28 (4)(a) Each committee of continuous existence shall
29 file an annual report with the Division of Elections during
30 the month of January. Such annual reports shall contain the
31 same information and shall be accompanied by the same

1 materials as original applications filed pursuant to
2 subsection (2). However, the charter or bylaws need not be
3 filed if the annual report is accompanied by a sworn statement
4 by the chair that no changes have been made to such charter or
5 bylaws since the last filing.

6 (b)1. Each committee of continuous existence shall
7 file regular reports with the Division of Elections at the
8 same times and subject to the same filing conditions as are
9 established by ~~ss. s.~~106.07(1) and (2) and 106.0705 for
10 candidates' reports.

11 2. Any committee of continuous existence failing to so
12 file a report with the Division of Elections pursuant to this
13 paragraph on the designated due date shall be subject to a
14 fine for late filing as provided by this section.

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

25 1. The full name, address, and occupation of each
26 person who has made one or more contributions to the committee
27 during the reporting period, together with the amounts and
28 dates of such contributions. For corporations, the report
29 must provide as clear a description as practicable of the
30 principal type of business conducted by the corporation.
31 However, if the contribution is \$100 or less, the occupation

1 of the contributor or principal type of business need not be
2 listed. However, for any contributions which represent the
3 payment of dues by members in a fixed amount pursuant to the
4 schedule on file with the Division of Elections, only the
5 aggregate amount of such contributions need be listed,
6 together with the number of members paying such dues and the
7 amount of the membership dues.

8 2. The name and address of each political committee or
9 committee of continuous existence from which the reporting
10 committee received, or the name and address of each political
11 committee, committee of continuous existence, or political
12 party to which it made, any transfer of funds, together with
13 the amounts and dates of all transfers.

14 3. Any other receipt of funds not listed pursuant to
15 subparagraph 1. or subparagraph 2., including the sources and
16 amounts of all such funds.

17 4. The name and address of, and office sought by, each
18 candidate to whom the committee has made a contribution during
19 the reporting period, together with the amount and date of
20 each contribution.

21 (d) The treasurer of each committee shall certify as
22 to the correctness of each report and shall bear the
23 responsibility for its accuracy and veracity. Any treasurer
24 who willfully certifies to the correctness of a report while
25 knowing that such report is incorrect, false, or incomplete
26 commits a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 (8)(a) Any committee of continuous existence failing
29 to file a report on the designated due date shall be subject
30 to a fine. The fine shall be \$500 per day for each late day,
31 not to exceed 25 percent of the total receipts or

1 expenditures, whichever is greater, for the period covered by
2 the late report. The fine shall be assessed by the filing
3 officer, and the moneys collected shall be deposited in the
4 Elections Commission Trust Fund. No separate fine shall be
5 assessed for failure to file a copy of any report required by
6 this section.

7 (b) Upon determining that a report is late, the filing
8 officer shall immediately notify the treasurer of the
9 committee as to the failure to file a report by the designated
10 due date and that a fine is being assessed for each late day.
11 Upon receipt of the report, the filing officer shall determine
12 the amount of fine which is due and shall notify the treasurer
13 of the committee. The filing officer shall determine the
14 amount of the fine due based upon the earliest of the
15 following:

- 16 1. When the report is actually received by such
17 officer.
- 18 2. When the report is postmarked.
- 19 3. When the certificate of mailing is dated.
- 20 4. When the receipt from an established courier
21 company is dated.

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23 Such fine shall be paid to the filing officer within 20 days
24 after receipt of the notice of payment due, unless appeal is
25 made to the Florida Elections Commission pursuant to paragraph
26 (c). An officer or member of a committee shall not be
27 personally liable for such fine.

28 (c) Any treasurer of a committee may appeal or dispute
29 the fine, based upon unusual circumstances surrounding the
30 failure to file on the designated due date, and may request
31 and shall be entitled to a hearing before the Florida

1 Elections Commission, which shall have the authority to waive
2 the fine in whole or in part. Any such request shall be made
3 within 20 days after receipt of the notice of payment due. In
4 such case, the treasurer of the committee shall, within the
5 20-day period, notify the filing officer in writing of his or
6 her intention to bring the matter before the commission.

7 (d) The filing officer shall notify the Florida
8 Elections Commission of the repeated late filing by a
9 committee of continuous existence, the failure of a committee
10 of continuous existence to file a report after notice, or the
11 failure to pay the fine imposed.

12 Section 3. Subsections (1), (2), and (3) of section
13 106.07, Florida Statutes, are amended to read:

14 106.07 Reports; certification and filing.--

15 (1) Each campaign treasurer designated by a candidate
16 or political committee pursuant to s. 106.021 shall file
17 regular reports of all contributions received, and all
18 expenditures made, by or on behalf of such candidate or
19 political committee in accordance with the deadlines and
20 requirements set forth below:

21 (a) Reports shall be filed on the 10th day following
22 the end of each calendar quarter from the time the campaign
23 treasurer is appointed, except that, if the 10th day following
24 the end of a calendar quarter occurs on a Saturday, Sunday, or
25 legal holiday, the report shall be filed on the next following
26 day which is not a Saturday, Sunday, or legal holiday.

27 Quarterly reports shall include all contributions received and
28 expenditures made during the calendar quarter which have not
29 otherwise been reported pursuant to this section.

30 (b)~~(a)~~ Except as provided in paragraph(c)~~(b)~~,
31 following the last day of qualifying for office, the reports

1 shall be filed on the 32nd, 18th, and 4th days immediately
2 preceding the first primary and on the 18th and 4th days
3 immediately preceding the second primary and general election,
4 for a candidate who is opposed in seeking nomination or
5 election to any office, for a political committee, or for a
6 committee of continuous existence.

7 (c)~~(b)~~ Following the last day of qualifying for
8 office, any statewide candidate who has requested to receive
9 contributions from the Election Campaign Financing Trust Fund
10 or any statewide candidate in a race with a candidate who has
11 requested to receive contributions from the trust fund shall
12 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
13 to the first primary and general elections, and on the 4th,
14 11th, 18th, and 25th days prior to the second primary.

15 (d)~~(c)~~ Following the last day of qualifying for
16 office, any unopposed candidate need only file a report within
17 90 days after the date such candidate became unopposed. Such
18 report shall contain all previously unreported contributions
19 and expenditures as required by this section and shall reflect
20 disposition of funds as required by s. 106.141.

21 (e)~~(d)~~1. When a special election is called to fill a
22 vacancy in office, all political committees and committees of
23 continuous existencemaking contributions or expenditures to
24 influence the results of such special election shall file
25 campaign treasurers' reports with the filing officer on the
26 dates set by the Department of State pursuant to s. 100.111.

27 2. When an election is called for an issue to appear
28 on the ballot at a time when no candidates are scheduled to
29 appear on the ballot, all political committees making
30 contributions or expenditures in support of or in opposition
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1 to such issue shall file reports on the 18th and 4th days
2 prior to such election.

3 (f) Except for quarterly reports and final reports by
4 unopposed candidates, the reporting period for each report
5 required to be filed on a specified date under this section
6 shall, for the first report, be from the opening of the
7 campaign account and, for each subsequent report, from the day
8 of the filing deadline for the immediately preceding reporting
9 period through the end of the day immediately preceding the
10 filing deadline of the period of the report to be filed. Each
11 such report shall include any contributions received or
12 expenditures made during any previous reporting period which
13 have not been reported.

14
15 ~~(e)~~ The filing officer shall provide each candidate with a
16 schedule designating the beginning and end of reporting
17 periods as well as the corresponding ~~designated~~ due dates
18 designated in this subsection.

19 (2)(a) All reports required of a candidate by this
20 section shall be filed with the officer before whom the
21 candidate is required by law to qualify. ~~All candidates who~~
22 ~~file with the Department of State shall file the original and~~
23 ~~one copy of their reports.~~ In addition, a copy of each report
24 for candidates for other than statewide office who qualify
25 with the Department of State shall be filed with the
26 supervisor of elections in the county where the candidate
27 resides. Reports shall be filed not later than 5 p.m. of the
28 day designated; however, any report postmarked by the United
29 States Postal Service no later than midnight of the day
30 designated shall be deemed to have been filed in a timely
31 manner. A certificate of mailing obtained from and dated by

1 the United States Postal Service at the time of mailing, or a
2 receipt from an established courier company, which bears a
3 date on or before the date on which the report is due, shall
4 be proof of mailing in a timely manner. Reports shall contain
5 information of all previously unreported contributions
6 received and expenditures made as of the preceding Friday,
7 except that the report filed on the Friday immediately
8 preceding the election shall contain information of all
9 previously unreported contributions received and expenditures
10 made as of the day preceding that designated due date. All
11 such reports shall be open to public inspection.

12 (b)1. Any report which is deemed to be incomplete by
13 the officer with whom the candidate qualifies shall be
14 accepted on a conditional basis, and the campaign treasurer
15 shall be notified by registered mail as to why the report is
16 incomplete and be given 3 days from receipt of such notice to
17 file an addendum to the report providing all information
18 necessary to complete the report in compliance with this
19 section. Failure to file a complete report after such notice
20 constitutes a violation of this chapter.

21 2. In lieu of the notice by registered mail as
22 required in subparagraph 1., the qualifying officer may notify
23 the campaign treasurer by telephone that the report is
24 incomplete and request the information necessary to complete
25 the report. If, however, such information is not received by
26 the qualifying officer within 3 days of the telephone request
27 therefor, notice shall be sent by registered mail as provided
28 in subparagraph 1.

29 (3) Reports required of a political committee shall be
30 filed with the agency or officer before whom such committee
31 registers pursuant to s. 106.03(3) and shall be subject to the

1 same filing conditions as established for candidates' reports.
2 ~~Only committees that file with the Department of State shall~~
3 ~~file the original and one copy of their reports.~~Incomplete
4 reports by political committees shall be treated in the manner
5 provided for incomplete reports by candidates in subsection
6 (2).

7 (5) The candidate and his or her campaign treasurer,
8 in the case of a candidate, or the political committee chair
9 and campaign treasurer of the committee, in the case of a
10 political committee, shall certify as to the correctness of
11 each report; and each person so certifying shall bear the
12 responsibility for the accuracy and veracity of each report.
13 Any campaign treasurer, candidate, or political committee
14 chair who willfully certifies the correctness of any report
15 while knowing that such report is incorrect, false, or
16 incomplete commits a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 (8)(a) Any candidate or political committee failing to
19 file a report on the designated due date shall be subject to a
20 fine as provided in paragraph (b) for each late day, and, in
21 the case of a candidate, such fine shall be paid only from
22 personal funds of the candidate. The fine shall be assessed
23 by the filing officer and the moneys collected shall be
24 deposited:

25 1. In the Elections Commission Trust Fund, in the case
26 of a candidate for state office or a political committee that
27 registers with the Division of Elections; or

28 2. In the general revenue fund of the political
29 subdivision, in the case of a candidate for an office of a
30 political subdivision or a political committee that registers
31 with an officer of a political subdivision.

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2 No separate fine shall be assessed for failure to file a copy
3 of any report required by this section.

4 (b) Upon determining that a report is late, the filing
5 officer shall immediately notify the candidate or chair of the
6 political committee as to the failure to file a report by the
7 designated due date and that a fine is being assessed for each
8 late day. The fine shall be \$50 per day for the first 3 days
9 late and, thereafter, \$500 per day for each late day, not to
10 exceed 25 percent of the total receipts or expenditures,
11 whichever is greater, for the period covered by the late
12 report. However, for the reports immediately preceding each
13 primary and general election, the fine shall be \$500 per day
14 for each late day, not to exceed 25 percent of the total
15 receipts or expenditures, whichever if greater, for the period
16 covered by the late report. Upon receipt of the report, the
17 filing officer shall determine the amount of the fine which is
18 due and shall notify the candidate or chair. The filing
19 officer shall determine the amount of the fine due based upon
20 the earliest of the following:

- 21 1. When the report is actually received by such
22 officer.
23 2. When the report is postmarked.
24 3. When the certificate of mailing is dated.
25 4. When the receipt from an established courier
26 company is dated.

27
28 Such fine shall be paid to the filing officer within 20 days
29 after receipt of the notice of payment due, unless appeal is
30 made to the Florida Elections Commission pursuant to paragraph
31 (c). In the case of a candidate, such fine shall not be an

1 allowable campaign expenditure and shall be paid only from
2 personal funds of the candidate. An officer or member of a
3 political committee shall not be personally liable for such
4 fine.

5 (c) Any candidate or chair of a political committee
6 may appeal or dispute the fine, based upon unusual
7 circumstances surrounding the failure to file on the
8 designated due date, and may request and shall be entitled to
9 a hearing before the Florida Elections Commission, which shall
10 have the authority to waive the fine in whole or in part. Any
11 such request shall be made within 20 days after receipt of the
12 notice of payment due. In such case, the candidate or chair
13 of the political committee shall, within the 20-day period,
14 notify the filing officer in writing of his or her intention
15 to bring the matter before the commission.

16 (d) The appropriate filing officer shall notify the
17 Florida Elections Commission of the repeated late filing by a
18 candidate or political committee, the failure of a candidate
19 or political committee to file a report after notice, or the
20 failure to pay the fine imposed.

21 Section 4. Effective January 1, 2001, subsection (1)
22 of section 106.07, Florida Statutes, as amended by this act,
23 is amended to read:

24 106.07 Reports; certification and filing.--

25 (1) Each campaign treasurer designated by a candidate
26 or political committee pursuant to s. 106.021 shall file
27 regular reports of all contributions received, and all
28 expenditures made, by or on behalf of such candidate or
29 political committee in accordance with the deadlines and
30 requirements set forth below:

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1 (a) From the time the campaign treasurer is appointed,
2 the reporting period shall be monthly, beginning on the 16th
3 of each month and ending on the 15th of the ensuing month.
4 Monthly reports shall be filed on the third business day after
5 the close of each reporting period ~~10th day following the end~~
6 ~~of each calendar quarter from the time the campaign treasurer~~
7 ~~is appointed, except that, if the due date 10th day following~~
8 ~~the end of a calendar quarter occurs on a Saturday, Sunday, or~~
9 ~~legal holiday, the report shall be filed on the next following~~
10 ~~day which is not a Saturday, Sunday, or legal holiday.~~

11 ~~Quarterly reports shall include all contributions received and~~
12 ~~expenditures made during the calendar quarter which have not~~
13 ~~otherwise been reported pursuant to this section.~~

14 (b) ~~Except as provided in paragraph (c),~~Following the
15 last day of qualifying for office, the reporting period shall
16 be weekly, beginning on Friday and ending on the ensuing
17 Thursday. Weekly reports shall be filed on the second business
18 day after the Thursday of each week, except that the last
19 report shall be filed on the Friday immediately preceding the
20 general election ~~32nd, 18th, and 4th days immediately~~
21 ~~preceding the first primary and on the 18th and 4th days~~
22 ~~immediately preceding the second primary and general election,~~
23 ~~for a candidate who is opposed in seeking nomination or~~
24 ~~election to any office, for a political committee, or for a~~
25 ~~committee of continuous existence.~~

26 (c) ~~Following the last day of qualifying for office,~~
27 ~~any statewide candidate who has requested to receive~~
28 ~~contributions from the Election Campaign Financing Trust Fund~~
29 ~~or any statewide candidate in a race with a candidate who has~~
30 ~~requested to receive contributions from the trust fund shall~~
31 ~~file reports on the 4th, 11th, 18th, 25th, and 32nd days prior~~

1 ~~to the first primary and general elections, and on the 4th,~~
2 ~~11th, 18th, and 25th days prior to the second primary.~~

3 (c)~~(d)~~ Notwithstanding paragraph (b), following the
4 last day of qualifying for office, any unopposed candidate
5 need only file a report within 90 days after the date such
6 candidate became unopposed. Such report shall contain all
7 previously unreported contributions and expenditures as
8 required by this section and shall reflect disposition of
9 funds as required by s. 106.141.

10 (d)~~(e)~~1. When a special election is called to fill a
11 vacancy in office, all political committees and committees of
12 continuous existence making contributions or expenditures to
13 influence the results of such special election shall file
14 campaign treasurers' reports with the filing officer on the
15 dates set by the Department of State pursuant to s. 100.111.

16 2. When an election is called for an issue to appear
17 on the ballot at a time when no candidates are scheduled to
18 appear on the ballot, all political committees making
19 contributions or expenditures in support of or in opposition
20 to such issue shall file reports on the 18th and 4th days
21 prior to such election.

22 (e)~~(f)~~ ~~Except for quarterly reports and final reports~~
23 ~~by unopposed candidates, the reporting period for each report~~
24 ~~required to be filed on a specified date under this section~~
25 ~~shall, for the first report, be from the opening of the~~
26 ~~campaign account and, for each subsequent report, from the day~~
27 ~~of the filing deadline for the immediately preceding reporting~~
28 ~~period through the end of the day immediately preceding the~~
29 ~~filing deadline of the period of the report to be filed. Each~~
30 ~~such report~~ required to be filed under this subsection shall

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1 include any contributions received or expenditures made during
2 any previous reporting period which have not been reported.

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4 The filing officer shall provide each candidate with a
5 schedule designating the beginning and end of reporting
6 periods as well as the corresponding due dates designated in
7 this subsection.

8 Section 5. Effective January 1, 2001, subsection (1)
9 of section 106.12, Florida Statutes, is amended to read:

10 106.12 Petty cash funds allowed.--

11 (1) Each campaign treasurer designated pursuant to s.
12 106.021(1) for a candidate or political committee is
13 authorized to withdraw from the primary campaign account,
14 until the close of the last day for qualifying for office, the
15 amount of ~~\$200~~\$500 per monthly ~~calendar quarter~~ reporting
16 period for the purpose of providing a petty cash fund for the
17 candidate or political committee.

18 Section 6. Subsection (1) of section 106.29, Florida
19 Statutes, is amended to read:

20 106.29 Reports by political parties; restrictions on
21 contributions and expenditures; penalties.--

22 (1) The state executive committee and each county
23 executive committee of each political party regulated by
24 chapter 103 shall file regular reports of all contributions
25 received and all expenditures made by such committee. Such
26 reports shall contain the same information as do reports
27 required of candidates by s. 106.07 and shall be filed on the
28 10th day following the end of each calendar quarter, except
29 that, during the period from the last day for candidate
30 qualifying until the general election, such reports shall be
31 filed on the Friday immediately preceding the first primary

1 election, the second primary election, and the general
2 election and shall cover all contributions received and
3 expenditures made through the end of the day preceding the day
4 of the filing deadline and all contributions received and
5 expenditures made during any previous reporting period which
6 have not been reported. ~~Each state executive committee shall~~
7 ~~file the original and one copy of its reports with the~~
8 ~~Division of Elections.~~ Each county executive committee shall
9 file its reports with the supervisor of elections in the
10 county in which such committee exists. Any state or county
11 executive committee failing to file a report on the designated
12 due date shall be subject to a fine as provided in subsection
13 (3). No separate fine shall be assessed for failure to file a
14 copy of any report required by this section.

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

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

28 (b) Upon determining that a report is late, the filing
29 officer shall immediately notify the chair of the executive
30 committee as to the failure to file a report by the designated
31 due date and that a fine is being assessed for each late day.

1 The fine shall be \$1,000 for a state executive committee, and
2 \$50 for a county executive committee, per day for each late
3 day, not to exceed 25 percent of the total receipts or
4 expenditures, whichever is greater, for the period covered by
5 the late report. However, if an executive committee fails to
6 file a report on the Friday immediately preceding the general
7 election, the fine shall be \$10,000 per day for each day a
8 state executive committee is late and \$500 per day for each
9 day a county executive committee is late. Upon receipt of the
10 report, the filing officer shall determine the amount of the
11 fine which is due and shall notify the chair. The filing
12 officer shall determine the amount of the fine due based upon
13 the earliest of the following:

- 14 1. When the report is actually received by such
15 officer.
- 16 2. When the report is postmarked.
- 17 3. When the certificate of mailing is dated.
- 18 4. When the receipt from an established courier
19 company is dated.

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

26 (c) The chair of an executive committee may appeal or
27 dispute the fine, based upon unusual circumstances surrounding
28 the failure to file on the designated due date, and may
29 request and shall be entitled to a hearing before the Florida
30 Elections Commission, which shall have the authority to waive
31 the fine in whole or in part. Any such request shall be made

1 within 20 days after receipt of the notice of payment due. In
2 such case, the chair of the executive committee shall, within
3 the 20-day period, notify the filing officer in writing of his
4 or her intention to bring the matter before the commission.

5 (d) The appropriate filing officer shall notify the
6 Florida Elections Commission of the repeated late filing by an
7 executive committee, the failure of an executive committee to
8 file a report after notice, or the failure to pay the fine
9 imposed.

10 Section 7. Effective January 1, 2001, subsection (1)
11 of section 106.29, Florida Statutes, as amended by this act,
12 is amended to read:

13 106.29 Reports by political parties; restrictions on
14 contributions and expenditures; penalties.--

15 (1) The state executive committee and each county
16 executive committee of each political party regulated by
17 chapter 103 shall file regular reports of all contributions
18 received and all expenditures made by such committee. Such
19 reports shall contain the same information as do reports
20 required of candidates by s. 106.07 and shall be filed at the
21 same times and subject to the same filing conditions as are
22 established by ss. 106.07(1) and (2) and 106.0705 for
23 candidates' reports ~~on the 10th day following the end of each~~
24 ~~calendar quarter, except that, during the period from the last~~
25 ~~day for candidate qualifying until the general election, such~~
26 ~~reports shall be filed on the Friday immediately preceding the~~
27 ~~first primary election, the second primary election, and the~~
28 ~~general election and shall cover all contributions received~~
29 ~~and expenditures made through the end of the day preceding the~~
30 ~~day of the filing deadline and all contributions received and~~
31 ~~expenditures made during any previous reporting period which~~

1 ~~have not been reported.~~ Each county executive committee shall
2 file its reports with the supervisor of elections in the
3 county in which such committee exists. Any state or county
4 executive committee failing to file a report on the designated
5 due date shall be subject to a fine as provided in subsection
6 (3). No separate fine shall be assessed for failure to file a
7 copy of any report required by this section.

8 Section 8. Subsection (2) of section 105.08, Florida
9 Statutes, is amended to read:

10 105.08 Campaign contribution and expense; reporting.--

11 (2) Notwithstanding any other provision of this
12 chapter or chapter 106, a candidate for retention as a justice
13 or a judge who has not received any contribution or made any
14 expenditure may file a sworn statement at the time of
15 qualifying that he or she does not anticipate receiving
16 contributions or making expenditures in connection with the
17 candidacy for retention to office. Such candidate shall file
18 a final report pursuant to s. 106.141, within 90 days
19 following the general election for which the candidate's name
20 appeared on the ballot for retention. Any such candidate for
21 retention to judicial office who, after filing a statement
22 pursuant to this subsection, receives any contribution or
23 makes any expenditure in connection with the candidacy for
24 retention shall immediately file a statement to that effect
25 with the qualifying officer and shall begin filing reports as
26 an opposed candidate pursuant to s. 106.07 or s. 106.0705.

27 Section 9. Subsection (2) of section 106.025, Florida
28 Statutes, is amended to read:

29 106.025 Campaign fund raisers.--

30 (2) This section shall not apply to any campaign fund
31 raiser held on behalf of a political party by the state or

1 county executive committee of such party, provided that the
2 proceeds of such campaign fund raiser are reported pursuant to
3 s. 106.29 or s. 106.0705.

4 Section 10. Paragraph (b) of subsection (2) of section
5 106.08, Florida Statutes, is amended to read:

6 106.08 Contributions; limitations on.--

7 (2)

8 (b) Polling services, research services, costs for
9 campaign staff, professional consulting services, and
10 telephone calls are not contributions to be counted toward the
11 contribution limits of paragraph (a). Any item not expressly
12 identified in this paragraph as nonallocable is a contribution
13 in an amount equal to the fair market value of the item and
14 must be counted as allocable toward the \$50,000 contribution
15 limits of paragraph (a). Nonallocable, in-kind contributions
16 must be reported by the candidate under s. 106.07 or s.
17 106.0705 and by the political party under s. 106.29 or s.
18 106.0705.

19 Section 11. Subsection (3) of section 106.18, Florida
20 Statutes, is amended to read:

21 106.18 When a candidate's name to be omitted from
22 ballot.--

23 (3) No certificate of election shall be granted to any
24 candidate until all preelection reports required by s. 106.07
25 or s. 106.0705 have been filed in accordance with the
26 provisions of such section. However, no candidate shall be
27 prevented from receiving a certificate of election for failure
28 to file any copy of a report required by this chapter.

29 Section 12. Except as otherwise provided herein, this
30 act shall take effect upon becoming a law.

31