

By Senator Diaz de la Portilla

34-1345-00

See HB

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  
31

1           granting of certificates of election, to  
2           conform; providing effective dates.

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

27           (3) Each report filed pursuant to this section is  
28 considered to be under oath by the person filing the report,  
29 and such person is subject to the provisions of s.  
30 106.04(4)(d), s. 106.07(5), or s. 106.29(2), as applicable.

31

1           (4) The division shall adopt rules pursuant to ss.  
2 120.536(1) and 120.54 to administer this section and provide  
3 for the reports required to be filed pursuant to this section.

4 Such rules shall, at a minimum, provide that:

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

7           (b) The electronic filing system be accessible by  
8 anyone with Internet access using standard web-browsing  
9 software.

10           (c) The electronic filing system provide for direct  
11 entry of campaign finance information as well as download of  
12 such information from campaign finance software certified by  
13 the division.

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

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

18           Section 2. Subsections (4) and (8) of section 106.04,  
19 Florida Statutes, are amended to read:

20           106.04 Committees of continuous existence.--

21           (4)(a) Each committee of continuous existence shall  
22 file an annual report with the Division of Elections during  
23 the month of January. Such annual reports shall contain the  
24 same information and shall be accompanied by the same  
25 materials as original applications filed pursuant to  
26 subsection (2). However, the charter or bylaws need not be  
27 filed if the annual report is accompanied by a sworn statement  
28 by the chair that no changes have been made to such charter or  
29 bylaws since the last filing.

30           (b)1. Each committee of continuous existence shall  
31 file regular reports with the Division of Elections at the

1 same times and subject to the same filing conditions as are  
2 established by ~~ss. s-~~106.07(1) and (2) and 106.0705 for  
3 candidates' reports.

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

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

18           1. The full name, address, and occupation of each  
19 person who has made one or more contributions to the committee  
20 during the reporting period, together with the amounts and  
21 dates of such contributions. For corporations, the report  
22 must provide as clear a description as practicable of the  
23 principal type of business conducted by the corporation.  
24 However, if the contribution is \$100 or less, the occupation  
25 of the contributor or principal type of business need not be  
26 listed. However, for any contributions which represent the  
27 payment of dues by members in a fixed amount pursuant to the  
28 schedule on file with the Division of Elections, only the  
29 aggregate amount of such contributions need be listed,  
30 together with the number of members paying such dues and the  
31 amount of the membership dues.

1           2. The name and address of each political committee or  
2 committee of continuous existence from which the reporting  
3 committee received, or the name and address of each political  
4 committee, committee of continuous existence, or political  
5 party to which it made, any transfer of funds, together with  
6 the amounts and dates of all transfers.

7           3. Any other receipt of funds not listed pursuant to  
8 subparagraph 1. or subparagraph 2., including the sources and  
9 amounts of all such funds.

10          4. The name and address of, and office sought by, each  
11 candidate to whom the committee has made a contribution during  
12 the reporting period, together with the amount and date of  
13 each contribution.

14          (d) The treasurer of each committee shall certify as  
15 to the correctness of each report and shall bear the  
16 responsibility for its accuracy and veracity. Any treasurer  
17 who willfully certifies to the correctness of a report while  
18 knowing that such report is incorrect, false, or incomplete  
19 commits a misdemeanor of the first degree, punishable as  
20 provided in s. 775.082 or s. 775.083.

21          (e) Reports filed by committees of continuous  
22 existence not subject to the electronic filing provisions of  
23 s. 106.0705 shall be on forms provided by the division.

24          (8)(a) Any committee of continuous existence failing  
25 to file a report on the designated due date shall be subject  
26 to a fine. The fine shall be \$500 per day for each late day,  
27 not to exceed 25 percent of the total receipts or  
28 expenditures, whichever is greater, for the period covered by  
29 the late report. The fine shall be assessed by the filing  
30 officer, and the moneys collected shall be deposited in the  
31 Elections Commission Trust Fund. No separate fine shall be

1 assessed for failure to file a copy of any report required by  
2 this section.

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

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

18  
19 Such fine shall be paid to the filing officer within 20 days  
20 after receipt of the notice of payment due, unless appeal is  
21 made to the Florida Elections Commission pursuant to paragraph  
22 (c). An officer or member of a committee shall not be  
23 personally liable for such fine.

24 (c) Any treasurer of a committee may appeal or dispute  
25 the fine, based upon unusual circumstances surrounding the  
26 failure to file on the designated due date, and may request  
27 and shall be entitled to a hearing before the Florida  
28 Elections Commission, which shall have the authority to waive  
29 the fine in whole or in part. Any such request shall be made  
30 within 20 days after receipt of the notice of payment due. In  
31 such case, the treasurer of the committee shall, within the

1 20-day period, notify the filing officer in writing of his or  
2 her intention to bring the matter before the commission.

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

8 Section 3. Subsections (1), (2), (3), (5), and (8) of  
9 section 106.07, Florida Statutes, are amended to read:

10 106.07 Reports; certification and filing.--

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

17 (a) Reports shall be filed on the 10th day following  
18 the end of each calendar quarter from the time the campaign  
19 treasurer is appointed, except that, if the 10th day following  
20 the end of a calendar quarter occurs on a Saturday, Sunday, or  
21 legal holiday, the report shall be filed on the next following  
22 day which is not a Saturday, Sunday, or legal holiday.  
23 Quarterly reports shall include all contributions received and  
24 expenditures made during the calendar quarter which have not  
25 otherwise been reported pursuant to this section.

26 (b)~~(a)~~ Except as provided in paragraph(c)~~(b)~~,  
27 following the last day of qualifying for office, the reports  
28 shall be filed on the 32nd, 18th, and 4th days immediately  
29 preceding the first primary and on the 18th and 4th days  
30 immediately preceding the second primary and general election,  
31 for a candidate who is opposed in seeking nomination or

1 election to any office, for a political committee, or for a  
2 committee of continuous existence.

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

11 (d)~~(c)~~ Following the last day of qualifying for  
12 office, any unopposed candidate need only file a report within  
13 90 days after the date such candidate became unopposed. Such  
14 report shall contain all previously unreported contributions  
15 and expenditures as required by this section and shall reflect  
16 disposition of funds as required by s. 106.141.

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

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

29 (f) Except for quarterly reports and final reports by  
30 unopposed candidates, the reporting period for each report  
31 required to be filed on a specified date under this section



1 shall, for the first report, be from the opening of the  
2 campaign account and, for each subsequent report, from the day  
3 of the filing deadline for the immediately preceding reporting  
4 period through the end of the day immediately preceding the  
5 filing deadline of the period of the report to be filed. Each  
6 such report shall include any contributions received or  
7 expenditures made during any previous reporting period which  
8 have not been reported.

9  
10 ~~(e)~~ The filing officer shall provide each candidate with a  
11 schedule designating the beginning and end of reporting  
12 periods as well as the corresponding ~~designated~~ due dates  
13 designated in this subsection.

14 (2)(a) All reports required of a candidate by this  
15 section shall be filed with the officer before whom the  
16 candidate is required by law to qualify. ~~All candidates who~~  
17 ~~file with the Department of State shall file the original and~~  
18 ~~one copy of their reports.~~ In addition, ~~a copy of each report~~  
19 for candidates for other than statewide office who qualify  
20 with the Department of State shall be filed with the  
21 supervisor of elections in the county where the candidate  
22 resides. Reports shall be filed not later than 5 p.m. of the  
23 day designated; however, any report postmarked by the United  
24 States Postal Service no later than midnight of the day  
25 designated shall be deemed to have been filed in a timely  
26 manner. A certificate of mailing obtained from and dated by  
27 the United States Postal Service at the time of mailing, or a  
28 receipt from an established courier company, which bears a  
29 date on or before the date on which the report is due, shall  
30 be proof of mailing in a timely manner. Reports shall contain  
31 information of all previously unreported contributions

1 received and expenditures made as of the preceding Friday,  
2 except that the report filed on the Friday immediately  
3 preceding the election shall contain information of all  
4 previously unreported contributions received and expenditures  
5 made as of the day preceding that designated due date. All  
6 such reports shall be open to public inspection.

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

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

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(3) and shall be subject to the  
27 same filing conditions as established for candidates' reports.  
28 ~~Only committees that file with the Department of State shall~~  
29 ~~file the original and one copy of their reports.~~Incomplete  
30 reports by political committees shall be treated in the manner  
31

1 provided for incomplete reports by candidates in subsection  
2 (2).

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

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

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

24 2. In the general revenue fund of the political  
25 subdivision, in the case of a candidate for an office of a  
26 political subdivision or a political committee that registers  
27 with an officer of a political subdivision.

28  
29 No separate fine shall be assessed for failure to file a copy  
30 of any report required by this section.

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

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

24  
25 Such fine shall be paid to the filing officer within 20 days  
26 after receipt of the notice of payment due, unless appeal is  
27 made to the Florida Elections Commission pursuant to paragraph  
28 (c). In the case of a candidate, such fine shall not be an  
29 allowable campaign expenditure and shall be paid only from  
30 personal funds of the candidate. An officer or member of a  
31

1 political committee shall not be personally liable for such  
2 fine.

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

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

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

22 106.07 Reports; certification and filing.--

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

29 (a) From the time the campaign treasurer is appointed  
30 through the last day of qualifying for office, reports shall  
31 be filed on the 15th day of each month ~~10th day following the~~

1 ~~end of each calendar quarter from the time the campaign~~  
2 ~~treasurer is appointed, except that, if the 15th day of the~~  
3 ~~month 10th day following the end of a calendar quarter occurs~~  
4 ~~on a Saturday, Sunday, or legal holiday, the report shall be~~  
5 ~~filed on the next following day which is not a Saturday,~~  
6 ~~Sunday, or legal holiday. Such ~~Quarterly~~ reports shall~~  
7 ~~include all contributions received and expenditures made~~  
8 ~~during the reporting period ~~calendar quarter~~ which have not~~  
9 ~~otherwise been reported pursuant to this section.~~

10 (b) ~~Except as provided in paragraph (c),~~ Following the  
11 last day of qualifying for office, the reports shall be filed  
12 on the Friday of each week preceding the general election  
13 ~~32nd, 18th, and 4th days immediately preceding the first~~  
14 ~~primary and on the 18th and 4th days immediately preceding the~~  
15 ~~second primary and general election, for a candidate who is~~  
16 ~~opposed in seeking nomination or election to any office, for a~~  
17 ~~political committee, or for a committee of continuous~~  
18 ~~existence.~~

19 (c) ~~Following the last day of qualifying for office,~~  
20 ~~any statewide candidate who has requested to receive~~  
21 ~~contributions from the Election Campaign Financing Trust Fund~~  
22 ~~or any statewide candidate in a race with a candidate who has~~  
23 ~~requested to receive contributions from the trust fund shall~~  
24 ~~file reports on the 4th, 11th, 18th, 25th, and 32nd days prior~~  
25 ~~to the first primary and general elections, and on the 4th,~~  
26 ~~11th, 18th, and 25th days prior to the second primary.~~

27 (c)(d) Notwithstanding paragraph (b), following the  
28 last day of qualifying for office, any unopposed candidate  
29 need only file a report within 90 days after the date such  
30 candidate became unopposed. Such report shall contain all  
31 previously unreported contributions and expenditures as

1 required by this section and shall reflect disposition of  
2 funds as required by s. 106.141.

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

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

15 (e)~~(f)~~ Except for ~~quarterly reports~~ and final reports  
16 by unopposed candidates, the reporting period for each report  
17 required to be filed on a specified date under this section  
18 shall, for the first report, be from the opening of the  
19 campaign account and, for each subsequent report, from the day  
20 of the filing deadline for the immediately preceding reporting  
21 period through the end of the day immediately preceding the  
22 filing deadline of the period of the report to be filed. Each  
23 such report shall include any contributions received or  
24 expenditures made during any previous reporting period which  
25 have not been reported.

26  
27 The filing officer shall provide each candidate with a  
28 schedule designating the beginning and end of reporting  
29 periods as well as the corresponding due dates designated in  
30 this subsection.

31

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

3           106.12 Petty cash funds allowed.--

4           (1) Each campaign treasurer designated pursuant to s.  
5 106.021(1) for a candidate or political committee is  
6 authorized to withdraw from the primary campaign account,  
7 until the close of the last day for qualifying for office, the  
8 amount of ~~\$200~~\$500 per monthly ~~calendar~~ ~~quarter~~ reporting  
9 period for the purpose of providing a petty cash fund for the  
10 candidate or political committee.

11           Section 6. Subsections (1), (2), and (3) of section  
12 106.29, Florida Statutes, are 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 on the  
21 10th day following the end of each calendar quarter, except  
22 that, during the period from the last day for candidate  
23 qualifying until the general election, such reports shall be  
24 filed on the Friday immediately preceding the first primary  
25 election, the second primary election, and the general  
26 election and shall cover all contributions received and  
27 expenditures made through the end of the day preceding the day  
28 of the filing deadline and all contributions received and  
29 expenditures made during any previous reporting period which  
30 have not been reported. ~~Each state executive committee shall~~  
31 ~~file the original and one copy of its reports with the~~



1 ~~Division of Elections.~~ 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 (2) The chair and treasurer of each state or county  
9 executive committee shall certify as to the correctness of  
10 each report filed by them on behalf of such committee. Any  
11 committee chair or treasurer who certifies the correctness of  
12 any report while knowing that such report is incorrect, false,  
13 or incomplete commits a felony of the third degree, punishable  
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

15 (3)(a) Any state or county executive committee failing  
16 to file a report on the designated due date shall be subject  
17 to a fine as provided in paragraph (b) for each late day. The  
18 fine shall be assessed by the filing officer, and the moneys  
19 collected shall be deposited in the Elections Commission Trust  
20 Fund.

21 (b) Upon determining that a report is late, the filing  
22 officer shall immediately notify the chair of the executive  
23 committee as to the failure to file a report by the designated  
24 due date and that a fine is being assessed for each late day.  
25 The fine shall be \$1,000 for a state executive committee, and  
26 \$50 for a county executive committee, per day for each late  
27 day, not to exceed 25 percent of the total receipts or  
28 expenditures, whichever is greater, for the period covered by  
29 the late report. However, if an executive committee fails to  
30 file a report on the Friday immediately preceding the general  
31 election, the fine shall be \$10,000 per day for each day a

1 state executive committee is late and \$500 per day for each  
2 day a county executive committee is late. Upon receipt of the  
3 report, the filing officer shall determine the amount of the  
4 fine which is due and shall notify the chair. The filing  
5 officer shall determine the amount of the fine due based upon  
6 the earliest of the following:

- 7 1. When the report is actually received by such  
8 officer.
- 9 2. When the report is postmarked.
- 10 3. When the certificate of mailing is dated.
- 11 4. When the receipt from an established courier  
12 company is dated.

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

19 (c) The chair of an executive committee may appeal or  
20 dispute the fine, based upon unusual circumstances surrounding  
21 the failure to file on the designated due date, and may  
22 request and shall be entitled to a hearing before the Florida  
23 Elections Commission, which shall have the authority to waive  
24 the fine in whole or in part. Any such request shall be made  
25 within 20 days after receipt of the notice of payment due. In  
26 such case, the chair of the executive committee shall, within  
27 the 20-day period, notify the filing officer in writing of his  
28 or her intention to bring the matter before the commission.

29 (d) The appropriate filing officer shall notify the  
30 Florida Elections Commission of the repeated late filing by an  
31 executive committee, the failure of an executive committee to

1 file a report after notice, or the failure to pay the fine  
2 imposed.

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

6 106.29 Reports by political parties; restrictions on  
7 contributions and expenditures; penalties.--

8 (1) The state executive committee and each county  
9 executive committee of each political party regulated by  
10 chapter 103 shall file regular reports of all contributions  
11 received and all expenditures made by such committee. Such  
12 reports shall contain the same information as do reports  
13 required of candidates by s. 106.07 and shall be filed at the  
14 same times and subject to the same filing conditions as are  
15 established by ss. 106.07(1) and (2) and 106.0705 for  
16 candidates' reports on the 10th day following the end of each  
17 calendar quarter, except that, during the period from the last  
18 day for candidate qualifying until the general election, such  
19 reports shall be filed on the Friday immediately preceding the  
20 first primary election, the second primary election, and the  
21 general election and shall cover all contributions received  
22 and expenditures made through the end of the day preceding the  
23 day of the filing deadline and all contributions received and  
24 expenditures made during any previous reporting period which  
25 have not been reported. Each county executive committee shall  
26 file its reports with the supervisor of elections in the  
27 county in which such committee exists. Any state or county  
28 executive committee failing to file a report on the designated  
29 due date shall be subject to a fine as provided in subsection  
30 (3). No separate fine shall be assessed for failure to file a  
31 copy of any report required by this section.

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

3           105.08 Campaign contribution and expense; reporting.--

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

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

22           106.025 Campaign fund raisers.--

23           (2) This section shall not apply to any campaign fund  
24 raiser held on behalf of a political party by the state or  
25 county executive committee of such party, provided that the  
26 proceeds of such campaign fund raiser are reported pursuant to  
27 s. 106.29 or s. 106.0705.

28           Section 10. Paragraph (b) of subsection (2) of section  
29 106.08, Florida Statutes, is amended to read:

30           106.08 Contributions; limitations on.--

31           (2)

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

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

14           106.18 When a candidate's name to be omitted from  
15 ballot.--

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

22           Section 12. Except as otherwise provided in this act,  
23 this act shall take effect upon becoming a law.

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LEGISLATIVE SUMMARY

Requires campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed \$10,000. Provides filing requirements under such system and provides penalties related thereto. Requires the Division of Elections to adopt rules to develop the system as an Internet-based one that offers direct input and download and verifies the identity of the person submitting a report. Removes requirements for duplicate copies of reports, to conform.

Requires all campaign treasurer's reports to cover contributions received or expenditures made from the first day of the reporting period through the day immediately preceding the filing deadline for that reporting period and all contributions received and expenditures made during any previous reporting period which have not been reported.

Revises schedules for submitting campaign treasurer's reports, effective for offices sought after the 2000 general election. Provides for a petty cash fund in the amount of \$200 per monthly reporting period, to conform.