

By Representative Harrington

1 A bill to be entitled
2 An act relating to political campaigns;
3 amending s. 103.121, F.S.; deleting a provision
4 which limits political party endorsements or
5 recommendations of primary candidates; deleting
6 or revising cross references, to conform;
7 amending s. 106.071, F.S.; clarifying that
8 certain persons who make independent
9 expenditures that expressly advocate the
10 election or defeat of candidates or the
11 approval or rejection of issues must file
12 periodic expenditure reports; allowing certain
13 individuals to make anonymous independent
14 expenditures; amending s. 106.143, F.S.;
15 authorizing certain individuals to engage in
16 anonymous political advertising; amending s.
17 106.147, F.S.; clarifying that certain
18 telephone calls are political polls; providing
19 an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 103.121, Florida Statutes, is
24 amended to read:

25 103.121 Powers and duties of executive committees.--

26 (1)(a) Each state and county executive committee of a
27 political party shall have the power and duty:

28 1. To adopt a constitution by two-thirds vote of the
29 full committee.

30 2. To adopt such bylaws as it may deem necessary by
31 majority vote of the full committee.

1 3. To conduct its meetings according to generally
2 accepted parliamentary practice.

3 4. To make party nomination when required by law.

4 5. To conduct campaigns for party nominees.

5 6. To raise and expend party funds. Such funds may
6 not be expended or committed to be expended except after
7 written authorization by the chair of the state or county
8 executive committee.

9 (b) ~~Except as otherwise provided in subsection (5),~~
10 The county executive committee shall receive payment of
11 assessments upon candidates to be voted for in a single county
12 except state senators and members of the House of
13 Representatives and representatives to the Congress of the
14 United States; and the state executive committees shall
15 receive all other assessments authorized. All party
16 assessments shall be 2 percent of the annual salary of the
17 office sought by the respective candidate. All such committee
18 assessments shall be remitted to the state executive committee
19 of the appropriate party and distributed in accordance with
20 subsection (5)~~(6)~~.

21 (2) The state executive committee shall by resolution
22 recommend candidates for presidential electors and deliver a
23 certified copy thereof to the Governor prior to September 1 of
24 each presidential election year.

25 (3) The chair and treasurer of an executive committee
26 of any political party shall be accountable for the funds of
27 such committee and jointly liable for their proper expenditure
28 for authorized purposes only. The chair and treasurer of the
29 state executive committee of any political party shall furnish
30 adequate bond, but not less than \$10,000, conditioned upon the
31 faithful performance by such party officers of their duties

1 and for the faithful accounting for party funds which shall
2 come into their hands; and the chair and treasurer of a county
3 executive committee of a political party shall furnish
4 adequate bond, but not less than \$5,000, conditioned as
5 aforesaid. A bond for the chair and treasurer of the state
6 executive committee of a political party shall be filed with
7 the Department of State. A bond for the chair and treasurer
8 of a county executive committee shall be filed with the
9 supervisor of elections. The funds of each such state
10 executive committee shall be publicly audited at the end of
11 each calendar year and a copy of such audit furnished to the
12 Department of State for its examination prior to April 1 of
13 the ensuing year. When filed with the Department of State,
14 copies of such audit shall be public documents. The treasurer
15 of each county executive committee shall maintain adequate
16 records evidencing receipt and disbursement of all party funds
17 received by him or her, and such records shall be publicly
18 audited at the end of each calendar year and a copy of such
19 audit filed with the supervisor of elections and the state
20 executive committee prior to April 1 of the ensuing year.

21 (4) Any chair or treasurer of a state or county
22 executive committee of any political party who knowingly
23 misappropriates, or makes an unlawful expenditure of, or a
24 false or improper accounting for, the funds of such committee
25 is guilty of a felony of the third degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 ~~(5)(a) The central committee or other equivalent~~
28 ~~governing body of each state executive committee shall adopt a~~
29 ~~rule which governs the time and manner in which the respective~~
30 ~~county executive committees of such party may endorse,~~
31 ~~certify, screen, or otherwise recommend one or more candidates~~

1 ~~for such party's nomination for election. Upon adoption, such~~
2 ~~rule shall provide the exclusive method by which a county~~
3 ~~committee may so endorse, certify, screen, or otherwise~~
4 ~~recommend. No later than the date on which qualifying for~~
5 ~~public office begins pursuant to s. 99.061, the chair of each~~
6 ~~county executive committee shall notify in writing the~~
7 ~~supervisor of elections of his or her county whether the~~
8 ~~county executive committee has endorsed or intends to endorse,~~
9 ~~certify, screen, or otherwise recommend candidates for~~
10 ~~nomination pursuant to party rule. A copy of such~~
11 ~~notification shall be provided to the Secretary of State and~~
12 ~~to the chair of the appropriate state executive committee.~~
13 ~~Any county executive committee that endorses or intends to~~
14 ~~endorse, certify, screen, or otherwise recommend one or more~~
15 ~~candidates for nomination shall forfeit all party assessments~~
16 ~~which would otherwise be returned to the county executive~~
17 ~~committee; and such assessments shall be remitted instead to~~
18 ~~the state executive committee of such party, the provisions of~~
19 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~
20 ~~funds so remitted to the state executive committee shall be~~
21 ~~paid, returned, or otherwise disbursed to the county executive~~
22 ~~committee under any circumstances. Any county executive~~
23 ~~committee that is in violation of any party rule after~~
24 ~~receiving the party assessment shall remit such party~~
25 ~~assessment to the state executive committee.~~

26 ~~(b) Any state executive committee that endorses or~~
27 ~~intends to endorse, certify, screen, or otherwise recommend~~
28 ~~one or more candidates for nomination shall forfeit all party~~
29 ~~assessments which would otherwise be returned to the state~~
30 ~~executive committee; and such assessments shall be remitted~~
31 ~~instead to the General Revenue Fund of the state. Any state~~

1 ~~executive committee that is in violation of this section after~~
2 ~~receiving the party assessment shall remit such party~~
3 ~~assessment to the General Revenue Fund of the state.~~

4 (5)~~(6)~~ The state chair of each state executive
5 committee shall return the 2-percent committee assessment for
6 county candidates to the appropriate county executive
7 committees only upon receipt of a written statement that such
8 county executive committee chooses not to endorse, certify,
9 screen, or otherwise recommend one or more candidates for such
10 party's nomination for election and upon the state chair's
11 determination that the county executive committee is in
12 compliance with all Florida statutes and all state party
13 rules, bylaws, constitutions, and requirements.

14 Section 2. Section 106.071, Florida Statutes, is
15 amended to read:

16 106.071 Independent expenditures; reports;
17 disclaimers.--

18 (1) Each person who makes an independent expenditure
19 that expressly advocates the election or defeat of a candidate
20 or the approval or rejection of an issue ~~with respect to any~~
21 ~~candidate or issue~~, which expenditure, in the aggregate, is in
22 the amount of \$100 or more, must ~~shall~~ file periodic reports
23 of such expenditures in the same manner, at the same time, and
24 with the same officer as a political committee supporting or
25 opposing such candidate or issue. The report must ~~shall~~
26 contain the full name and address of each person to whom and
27 for whom each such expenditure has been made; the amount,
28 date, and purpose of each such expenditure; a description of
29 the services or goods obtained by each such expenditure; and
30 the name and address of, and office sought by, each candidate
31 on whose behalf such expenditure was made. Any political

1 advertisement paid for by an independent expenditure, other
2 than an independent expenditure by an individual which, in the
3 aggregate, is in the amount of \$500 or less, must ~~shall~~
4 prominently state "Paid political advertisement paid for by
5 ...(Name of person or committee paying for advertisement)...
6 independently of any ...(candidate or committee)...," and must
7 ~~shall~~ contain the name and address of the person paying for
8 the political advertisement.

9 (2) Any person who fails to include the disclaimer
10 prescribed in subsection (1) in any political advertisement
11 that which is required to contain such disclaimer commits is
12 ~~guilty of~~ a misdemeanor of the first degree, punishable as
13 provided in s. 775.082 or s. 775.083.

14 (3) No person may make a contribution in excess of
15 \$1,000 to any other person, to be used by such other person to
16 make an independent expenditure.

17 Section 3. Subsection (1) of section 106.143, Florida
18 Statutes, is amended to read:

19 106.143 Political advertisements circulated prior to
20 election; requirements.--

21 (1) Any political advertisement and any campaign
22 literature published, displayed, or circulated prior to, or on
23 the day of, any election must ~~shall~~:

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

26 (b) Identify the persons or organizations sponsoring
27 the advertisement.

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

1 b. State who provided or paid for the advertisement
2 and cost of production, if different from the source of
3 sponsorship.

4 2. This paragraph does ~~shall~~ not apply if the source
5 of the sponsorship is patently clear from the content or
6 format of the political advertisement or campaign literature.

7
8 This subsection does not apply to campaign messages used by a
9 candidate and the candidate's supporters if those messages are
10 designed to be worn by a person; nor does it apply to
11 political advertisements and campaign literature the
12 expenditure for which, in the aggregate, is in the amount of
13 \$500 or less, and which are paid for and sponsored by an
14 individual acting independently of any other person.

15 Section 4. Paragraph (b) of subsection (1) of section
16 106.147, Florida Statutes, is amended to read:

17 106.147 Telephone solicitation; disclosure
18 requirements; prohibitions; exemptions; penalties.--

19 (1)(a) Any telephone call supporting or opposing a
20 candidate, elected public official, or ballot proposal must
21 identify the persons or organizations sponsoring the call by
22 stating either: "paid for by...." (insert name of persons or
23 organizations sponsoring the call) or "paid for on behalf
24 of...." (insert name of persons or organizations authorizing
25 call). This paragraph does not apply to any telephone call in
26 which both the individual making the call is not being paid
27 and the individuals participating in the call know each other
28 prior to the call.

29 (b) Any telephone call conducted for the purpose of
30 polling respondents concerning a candidate or elected public
31 official which is a part of a series of like telephone calls

1 that consists of fewer than 1,000 completed calls and averages
2 more than 2 minutes in duration is ~~presumed to be~~ a political
3 poll and not subject to the provisions of paragraph (a).

4 Section 5. This act shall take effect upon becoming a
5 law.

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8 HOUSE SUMMARY

9
10 Deletes the requirement that a political party forfeit
11 its right to receive party assessments if it endorses or
12 recommends primary candidates. Provides that a person who
13 makes an independent expenditure that expressly advocates
14 the election or defeat of a candidate or the approval or
15 rejection of an issue, which expenditure in the aggregate
16 is \$100 or more, must file periodic reports. Provides
17 that a political advertisement paid for by an independent
18 expenditure made by an individual, which expenditure in
19 the aggregate is \$500 or less, is not required to contain
20 a statement identifying the name and address of the
21 person paying for the advertisement. Provides that notice
22 requirements prescribed for political advertisements
23 circulated prior to election do not apply to political
24 advertisements and campaign literature the expenditure
25 for which in the aggregate is \$500 or less and which are
26 paid for and sponsored by an individual acting
27 independently of any other person. Clarifies that any
28 telephone call conducted for the purpose of polling
29 respondents concerning a candidate or elected public
30 official which is a part of a series of like telephone
31 calls that consists of fewer than 1,000 completed calls
and averages more than 2 minutes in duration is a
political poll and not subject to disclosure requirements
applicable to political telephone solicitation.