

By Senator Mitchell

4-1482A-00

1 A bill to be entitled
2 An act relating to elections; creating the
3 "Florida Clean Elections Act"; providing
4 findings and declarations; defining terms;
5 providing for clean money campaign funding for
6 candidates; providing for a transition rule;
7 providing limitations on contributions and
8 expenditures; providing for seed money
9 contributions; providing for participation in
10 debates; providing for certification by the
11 Division of Elections; providing additional
12 benefits for participating candidates;
13 providing for the amounts and payment schedule
14 of clean money funding; providing for
15 limitations on expenditure of clean money
16 funds; providing for disclosure of excess
17 spending by nonparticipating candidates;
18 providing for reports of independent
19 expenditures; providing for issue
20 advertisements; directing the Secretary of
21 State to create a nonpartisan Voter Information
22 Commission; requiring publicly funded
23 television and radio stations to provide free
24 coverage of specified elections; providing for
25 limitations on public mailing privileges;
26 providing revenue sources for the Clean Money
27 Trust Fund; providing for the administration
28 and dispersal of clean money funds; providing
29 for limitations on political party
30 contributions and expenditures; amending s.
31 106.011, F.S.; redefining the term "political

1 advertisement"; amending s. 106.021, F.S.;
2 eliminating the authorization for unrestricted
3 expenditures by political parties and
4 committees; amending s. 106.08, F.S.; providing
5 limits on contributions to political parties;
6 revising limits on contributions to candidates
7 by political parties; providing penalties;
8 amending s. 106.087, F.S.; eliminating the
9 authorization for specified expenditures by
10 political parties and committees; conforming a
11 statutory cross-reference; reenacting s.
12 106.19(1), F.S., relating to penalties;
13 amending s. 106.29, F.S.; revising reporting
14 requirements; conforming statutory
15 cross-references; providing for powers of and
16 reports by the Florida Elections Commission;
17 providing for repayment of excess expenditures;
18 providing penalties; providing for
19 severability; providing an effective date.

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

22
23 Section 1. Short title.--This act may be cited as the
24 "Florida Clean Elections Act."

25 Section 2. Findings and declarations.--

26 (1) The legislature finds and declares that the
27 current system of privately financed campaigns for election to
28 statewide and legislative offices undermines democracy in this
29 state in the following principal ways:

30 (a) It violates the democratic principle of "one
31 person, one vote" and diminishes the meaning of the right to

1 vote by allowing large contributions to have a deleterious
2 influence on the political process.

3 (b) It violates the rights of all citizens to equal
4 and meaningful participation in the democratic process.

5 (c) It diminishes the free-speech rights of nonwealthy
6 voters and candidates whose voices are drowned out by those
7 who can afford to monopolize the arena of paid political
8 communications.

9 (d) It undermines the First Amendment right of voters
10 and candidates to be heard in the political process; it
11 undermines the First Amendment right of voters to hear all
12 candidates' speech; and it undermines the core First Amendment
13 value of open and robust debate in the political process.

14 (e) It fuels the public perception of corruption and
15 undermines public confidence in the democratic process and
16 democratic institutions.

17 (f) It drives up the cost of election campaigns,
18 making it difficult for qualified candidates without access to
19 large contributors or personal fortunes to mount competitive
20 campaigns.

21 (g) It places challengers at a disadvantage, because
22 large campaign contributors tend to give their money to
23 incumbents, thus causing elections to be less competitive.

24 (h) It inhibits communication with the electorate by
25 candidates without access to large sums of campaign money.

26 (i) It burdens candidates with the incessant rigors of
27 fundraising and thus decreases the time available to carry out
28 their public responsibilities.

29 (2) The Legislature finds and declares that providing
30 a voluntary clean money campaign finance system for all
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1 primary and general elections would enhance democracy in the
2 state in the following principal ways:

3 (a) It would help eliminate the deleterious influence
4 of large contributions on the political process, remove access
5 to wealth as a major determinant of a person's influence
6 within the political process, and restore meaning to the
7 principle of "one person, one vote."

8 (b) It would help restore the rights of all citizens
9 to equal and meaningful participation in the democratic
10 process.

11 (c) It would restore the free-speech rights of
12 nonwealthy candidates and voters by providing candidates with
13 the equal resources with which to communicate with the voters.

14 (d) It would help restore the First Amendment right of
15 voters and candidates to be heard in the political process; it
16 would help restore the First Amendment right of voters to hear
17 all candidates' speech; and it would help restore the core
18 First Amendment value of open and robust debate in the
19 political process.

20 (e) It would diminish the public perception of
21 corruption and strengthen public confidence in the democratic
22 process and democratic institutions.

23 (f) It would halt and reverse the escalating cost of
24 elections.

25 (g) It would create a more level playing field for
26 incumbents and challengers, create genuine opportunities for
27 qualified residents of this state to run for statewide or
28 legislative office, and encourage more competitive elections.

29 (h) It would facilitate communication with the
30 electorate by candidates, regardless of their access to large
31 sums of campaign money.

1 (i) It would free candidates from the incessant rigors
2 of raising money, and allow them more time to carry out their
3 official duties.

4 (3) The Legislature further finds and declares that
5 the unique factual circumstances in this state require that
6 this act be enacted to promote the compelling state interests
7 listed in subsection (2). This act is designed to create a
8 rough proportionality between the benefits and restrictions
9 that apply to participating candidates. However, it should be
10 clear that the act is not entirely neutral. Participating
11 candidates are deliberately favored to further the compelling
12 state interest of encouraging participation in the public
13 financing program.

14 Section 3. Definitions.--As used in this act, the
15 term:

16 (1) "Seed money period" means the period beginning the
17 day following the previous general election for that office
18 and ending on the last day of the clean money qualifying
19 period. This is the exploratory period during which candidates
20 who wish to become eligible for clean money funding for the
21 next elections are permitted to raise and spend a limited
22 amount of private seed money, in contributions of up to \$100
23 per individual, for the purpose of testing the waters and
24 fulfilling the clean money eligibility requirements. The seed
25 money period begins before, but extends to the end of, the
26 clean money qualifying period.

27 (2) "Clean money qualifying period" means the period
28 during which candidates are permitted to collect qualifying
29 contributions in order to qualify for clean money funding. For
30 legislative races, it begins 60 days before the beginning of
31 the first primary election campaign period and ends 30 days

1 before the beginning of the first primary election. For
2 gubernatorial and statewide races, it begins 120 days before
3 the beginning of the first primary election campaign period
4 and ends 30 days before the beginning of the first primary
5 election.

6 (3) "First primary election campaign period" means the
7 period beginning 60 days before the first primary election and
8 ending on the day of the first primary election.

9 (4) "Second primary election campaign period" means
10 the period beginning the day after the first primary election
11 and ending on the day of the second primary election.

12 (5) "General election campaign period" means the
13 period beginning the day after the first or second primary
14 election and ending on the day of the general election.

15 (6) "Seed money contribution" means a contribution of
16 no more than \$100 cumulative from any one source during the
17 seed money period. The term does not include payments by a
18 membership organization for the costs of communications to its
19 members; payments by a membership organization for the purpose
20 of facilitating the making of qualifying contributions; and
21 volunteer activity, including the payment of incidental
22 expenses by volunteers.

23 (7) "Qualifying contribution" means a contribution of
24 \$5 that is received during the designated clean money
25 qualifying period by a candidate seeking to become eligible
26 for clean money campaign funding and that is acknowledged by a
27 written receipt identifying the contributor. Contributors must
28 be registered voters who reside within the candidate's
29 electoral district or state and who are therefore eligible to
30 vote for that candidate. Qualifying contributions must be made
31 in cash, or by check or money order; must be accompanied by a

1 receipt fully identifying the contributor that includes a
2 signed statement indicating that he or she fully understands
3 the purpose of the contribution and that the contribution is
4 made without coercion or reimbursement; and must be turned
5 over to the Division of Elections for deposit in the clean
6 money fund. Qualifying contributions shall be gathered by
7 candidates themselves or by volunteers who receive no
8 compensation.

9 (8) "Allowable contribution" means a qualifying
10 contribution or a seed money contribution.

11 (9) "Participating candidate" means a candidate who
12 qualifies for clean money campaign funding. Such candidates
13 are eligible to receive clean money funding during primary and
14 general election campaign periods.

15 (10) "Nonparticipating candidate" means a candidate
16 who is on the ballot but has chosen not to apply for clean
17 money campaign funding or a candidate who is on the ballot and
18 has applied but has not satisfied the requirements for
19 receiving clean money funding.

20 (11) "Excess expenditure amount" means the amount of
21 money spent or obligated to be spent by a nonparticipating
22 candidate in excess of the clean money amount available to a
23 participating candidate running for the same office.

24 (12) "Immediate family" means the candidate's spouse,
25 parents, and children.

26 (13) "Soft money" means money raised by political
27 parties that is unregulated by state law or which exceeds
28 statutory limits for support for party candidates.

29 (14) "Mass mailings" means mailings of 200 or more
30 identical or nearly identical pieces of mail sent by
31 candidates or elected officials to the voters, residents, or

1 postal box-holders within the jurisdiction candidates are
2 seeking to represent. Such mailings, consisting of
3 substantially identical letters, newsletters, pamphlets,
4 brochures, or other written material, are distinct from
5 mailings made in direct response to communications from
6 persons or groups to whom the matter is mailed; mailings to
7 federal, state, or local government officials; and news
8 releases to the communications media all of which are exempt
9 from this definition.

10 (15) "Party candidate" means a candidate who
11 represents a political party that has been granted ballot
12 status and holds a primary election to choose its nominee for
13 the general election.

14 (16) "Independent candidate" means a candidate who
15 does not represent a political party that has been granted
16 ballot status and holds a primary election to choose its
17 nominee for the general election.

18 (17) "Florida Elections Commission" means the
19 governmental agency created under section 106.24, Florida
20 Statutes.

21 (18) "Department" means the Department of State.

22 (19) "Division" means the Division of Elections in the
23 Department of State.

24 Section 4. Eligibility for clean money campaign
25 funding for party candidates.--

26 (1) A party candidate qualifies as a participating
27 candidate for the first and second primary election campaign
28 period if the candidate:

29 (a) Files a declaration with the Division of Elections
30 that he or she has complied and will comply with all of the
31 requirements of this act, including the requirement that

1 during the seed money period and the clean money qualifying
2 period the candidate not accept or spend private contributions
3 from any source other than seed money contributions and clean
4 money qualifying contributions unless the provisions of
5 section 6 apply; and

6 (b) Meets the following qualifying contribution
7 requirements before the close of the clean money qualifying
8 period:

9 1. A party candidate must collect at least the
10 following number of qualifying contributions:

11 a. For a candidate running for the office of State
12 Representative, 500.

13 b. For a candidate running for the office of State
14 Senator, 1,500.

15 c. For a candidate running for state office, 20,000.

16 d. For a candidate running for the office of Governor,
17 30,000.

18 2. Each qualifying contribution must be:

19 a. Acknowledged by a receipt to the contributor with a
20 copy to be kept by the candidate and a third copy to be
21 submitted to the Division of Elections. The receipt shall
22 indicate, by the contributor's signature, that the contributor
23 understands that the purpose of the contribution is to help
24 the candidate qualify for clean money campaign funding, and
25 believes that he or she is currently registered to vote in the
26 candidate's district. The receipt must include the
27 contributor's signature, printed name, home address, and
28 telephone number, and the name of the candidate on whose
29 behalf the contribution is made.

30 b. Submitted, with a signed and completed receipt, to
31 the Division of Elections according to a schedule and

1 procedure to be determined by the division. A contribution
2 submitted as a qualifying contribution that does not include a
3 signed and completed receipt may not be counted as a
4 qualifying contribution.

5 (2) A party candidate qualifies as a participating
6 candidate for the general election campaign period if the
7 candidate:

8 (a) Has met all of the applicable requirements and
9 filed a declaration with the Division of Elections that he or
10 she has fulfilled and will fulfill all of the requirements of
11 a participating candidate as stated in this act; and

12 (b) As a participating candidate during the first and
13 second primary election campaign period, he or she had the
14 highest number of votes of the candidates contesting the
15 primary elections from his or her respective party, or, by
16 other means, won the party's official nomination.

17 Section 5. Eligibility for clean money campaign
18 funding for independent candidates.--

19 (1) An independent candidate qualifies as a
20 participating candidate for the first and second primary
21 election campaign period if the candidate:

22 (a) Files a declaration with the Division of Elections
23 that he or she has complied and will comply with all of the
24 requirements of this act, including the requirement that
25 during the seed money period and the clean money qualifying
26 period the candidate not accept or spend private contributions
27 from any source other than seed money contributions and clean
28 money qualifying contributions unless the provisions of
29 section 6 apply; and

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1 (b) Meets the following qualifying contribution
2 requirements before the close of the clean money qualifying
3 period:

4 1. An independent candidate must collect the same
5 number of qualifying contributions as a party candidate must
6 collect for the same office as provided in section 4.

7 2. Each qualifying contribution must be:

8 a. Acknowledged by a receipt to the contributor, with
9 a copy to be kept by the candidate and a third copy to be
10 submitted to the division. The receipt must indicate, by the
11 contributor's signature, that the contributor understands that
12 the purpose of the contribution is to help the candidate
13 qualify for clean money campaign funding, and believes that he
14 or she is currently registered to vote in the candidate's
15 district. The receipt must include the contributor's
16 signature, printed name, home address, and telephone number,
17 and the name of the candidate on whose behalf the contribution
18 is made.

19 b. Submitted, with a signed and completed receipt, to
20 the Division of Elections according to a schedule and
21 procedure to be determined by the division.

22 (2) An independent candidate qualifies as a
23 participating candidate for the general election campaign
24 period:

25 (a) If, before the first and second primary election,
26 he or she has met all of the applicable requirements of this
27 act and filed a declaration with the Division of Elections
28 that he or she has fulfilled and will fulfill all of the
29 requirements of a participating candidate as stated in this
30 act, and

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1 **(b) If, during the first and second primary election**
2 **campaign period, he or she has fulfilled all the requirements**
3 **of a participating candidate as stated in this act.**

4 Section 6. **Transition rule for current election**
5 **cycle.--During the election cycle in effect on July 1, 2000, a**
6 **candidate may be certified as a participating candidate,**
7 **notwithstanding the acceptance of contributions or making of**
8 **expenditures from private funds before July 1, 2000, which**
9 **would, absent this section, disqualify the candidate as a**
10 **participating candidate if any private funds accepted but not**
11 **expended before July 1, 2000, are returned to the contributor**
12 **or submitted to the Division of Elections for deposit in the**
13 **clean money fund.**

14 Section 7. **Continuing obligation to comply.--A**
15 **participating candidate who accepts any benefits during the**
16 **first and second primary election campaign period shall comply**
17 **with all the requirements of this legislation through the**
18 **general election campaign period whether he or she continues**
19 **to accept benefits or not, unless a participating candidate**
20 **loses in a primary election or withdraws from another**
21 **candidacy and subsequently is selected as a candidate for**
22 **Lieutenant Governor with a nonparticipating candidate for**
23 **governor.**

24 Section 8. **Contributions and expenditures.--**

25 **(1) During the primary and general election campaign**
26 **periods, a participating candidate who has voluntarily agreed**
27 **to participate in and has become eligible for clean money**
28 **benefits, may not accept private contributions from any source**
29 **other than the candidate's political party.**

30 **(2) A person may not make a contribution in the name**
31 **of another person. A participating candidate who receives a**

1 qualifying contribution or a seed money contribution that is
2 not from the person listed on the receipt required by
3 subsection (1)(b)2. of section 4 and subsection (3) of section
4 10 shall be liable to pay the Florida Elections Commission the
5 entire amount of the laundered contribution, in addition to
6 any penalties.

7 (3) During the primary and general election campaign
8 periods, a participating candidate shall pay for all of his or
9 her campaign expenditures, except petty cash expenditures, by
10 means of the Division of Elections Clean Money Debit Card, as
11 authorized under section 25 of this act.

12 (4) Eligible candidates shall furnish complete
13 campaign records, including all records of seed money
14 contributions and qualifying contributions, to the Division of
15 Elections at regular filing times, or on request by the
16 division. Candidates must cooperate with any audit or
17 examination by the division or the Florida Elections
18 Commission.

19 Section 9. Use of personal funds.--

20 (1) Personal funds contributed as seed money by a
21 candidate seeking to become eligible as a participating
22 candidate or by adult members of his or her immediate family
23 may not exceed the maximum of \$100 per contributor.

24 (2) Personal funds may not be used to meet the
25 qualifying contribution requirement except for one \$5
26 contribution from the candidate and one \$5 contribution from
27 the candidate's spouse, if the candidate and his or her spouse
28 are registered voters who reside in the candidate's electoral
29 district.

30 Section 10. Seed money.--

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1 (1) The only private contributions a candidate seeking
2 to become eligible for clean money funding may accept, other
3 than qualifying contributions, are seed money contributions
4 contributed before the end of the clean money qualifying
5 period.

6 (2) A seed money contribution may not exceed \$100 from
7 any one source and the aggregate amount of seed money
8 contributions accepted by a candidate seeking to become
9 eligible for clean money funding may not exceed:

10 (a) For a candidate running for the office of state
11 representative, \$10,000.

12 (b) For a candidate running for the office of state
13 senator, \$30,000.

14 (c) For a candidate running for statewide office,
15 \$200,000.

16 (d) For a candidate running for Governor, \$500,000.

17 (3) Receipts for seed money contributions under \$25
18 shall only include the contributor's signature, printed name,
19 and address. Receipts for seed money contributions of \$25 or
20 more shall include the contributor's signature, printed name,
21 street address and zip code, telephone number, occupation, and
22 name of employer. Contributions may not be accepted if the
23 required disclosure information is not received.

24 (4) Seed money may be spent only during the clean
25 money qualifying period. Seed money may not be spent during
26 the primary or general election campaign periods.

27 (5) Within 48 hours after the close of the clean money
28 qualifying period, candidates seeking to become eligible for
29 clean money funding shall fully disclose all seed money
30 contributions and expenditures to the Division of Elections
31 and turn over to the division for deposit in the clean money

1 fund any seed money he or she has raised during the designated
2 seed money period that exceeds the aggregate seed money limit.

3 Section 11. Participation in debates.--

4 (1) Participating candidates in contested races shall
5 participate in one 1-hour debate during a contested first
6 primary election, one 1-hour debate during a second primary
7 election, and two 1-hour debates during a contested general
8 election when public debate opportunities are available.

9 (2) Licensed broadcasters receiving state funding or
10 providing publicly authorized cable services are required to
11 publicly broadcast debates for gubernatorial and other
12 statewide races.

13 (3) Nonparticipating candidates for the same office
14 whose names will appear on the ballot must be invited to join
15 the debates.

16 Section 12. Certification.--

17 (1) No more than 5 days after a candidate applies for
18 clean money benefits, the Division of Elections shall certify
19 that the candidate is or is not eligible. Eligibility can be
20 revoked if the candidate violates the requirements of this
21 act, in which case all clean money funds must be repaid.

22 (2) The candidate's request for certification shall be
23 signed by the candidate and his or her campaign treasurer
24 under penalty of perjury.

25 (3) The Division of Elections' determination is final
26 except that it is subject to examination and audit by an
27 outside agency and to a prompt expedited judicial review.

28 Section 13. Benefits provided to candidates eligible
29 to receive clean money.--

30 (1) Candidates who qualify for clean money funding for
31 primary and general elections shall:

1 (a) Receive clean money funding from the Division of
2 Elections for each election, the amount of which is specified
3 in section 15. This funding may be used to finance any and all
4 campaign expenses during the particular campaign period for
5 which it was allocated.

6 (b) Receive media benefits and mailing privileges as
7 provided for in sections 22 and 23 of this act.

8 (c) Receive additional clean money funding to match
9 any excess expenditure amount spent by a nonparticipating
10 candidate, as specified in section 17(4) of this act.

11 (d) Receive additional clean money funding to match
12 any independent expenditure made in opposition to their
13 candidacies or on behalf of their opponents' candidacies, as
14 specified in sections 18 and 19 of this act.

15 (2) The maximum aggregate amount of additional funding
16 a participating candidate may receive to match independent
17 expenditures and the excess expenditures of nonparticipating
18 candidates is 300 percent of the full amount of clean money
19 funding allocated to a participating candidate for a
20 particular primary or general election campaign period.

21 Section 14. Schedule of clean money payments.--

22 (1) An eligible party candidate shall receive his or
23 her clean money funding for the first or second primary
24 election campaign period on the date on which the Division of
25 Elections certifies the candidate as a participating
26 candidate. This certification shall take place no later than 5
27 days after the candidate has submitted the required number of
28 qualifying contributions and a declaration stating that he or
29 she has complied with all other requirements for eligibility
30 as a participating candidate, but no earlier than the
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1 beginning of the first or second primary election campaign
2 period.

3 (2) An eligible party candidate shall receive his or
4 her clean money funding for the general election campaign
5 period within 48 hours after certification of the applicable
6 primary election results.

7 (3) An eligible independent candidate shall receive
8 his or her clean money funding for the first or second primary
9 election campaign period on the date on which the Division of
10 Elections certifies the candidate as a participating
11 candidate. This certification shall take place no later than 5
12 days after the candidate has submitted the required number of
13 qualifying contributions and a declaration stating that he or
14 she has complied with all other requirements for eligibility
15 as a participating candidate, but no earlier than the
16 beginning of the first or second primary election campaign
17 period.

18 (4) An eligible independent candidate shall receive
19 his or her clean money funding for a general election campaign
20 period within 48 hours after certification of the applicable
21 primary election results.

22 Section 15. Determination of clean money amounts.--

23 (1) The amount of clean money funding for an eligible
24 party candidate in a contested first primary election is:

25 (a) For a candidate running for the office of state
26 representative, \$45,000.

27 (b) For a candidate running for the office of state
28 senator, \$135,000.

29 (c) For a candidate running for statewide office,
30 \$700,000.

31 (d) For a candidate running for Governor, \$2 million.

1 (2) The clean money amount for an eligible party
2 candidate in an uncontested first primary election is 10
3 percent of the amount provided in a contested first primary
4 election.

5 (3) The clean money amount for an eligible party
6 candidate in a second primary election is 25 percent of the
7 amount for the first primary election.

8 (4) The amount of clean money funding for an eligible
9 party candidate in a contested general election is:

10 (a) For a candidate running for the office of state
11 representative, \$60,000.

12 (b) For a candidate running for the office of state
13 senator, \$180,000.

14 (c) For a candidate running for statewide office, \$1
15 million.

16 (d) For a candidate running for Governor, \$5 million.

17 (5) The clean money amount for an eligible independent
18 candidate in a primary election is 10 percent of the amount
19 received by a party candidate in a contested primary election.

20 (6) The clean money amount for an eligible independent
21 candidate in the general election is the same as the full
22 amount received by a party candidate in the general election.

23 (7) After the first cycle of clean money elections,
24 the Division of Elections shall modify all clean money amounts
25 based on the rate of inflation or the cost-of-living index.

26 Section 16. Expenditures made with clean money funds.

27 (1) The clean money funding received by a
28 participating candidate may be used only for the purpose of
29 defraying that candidate's campaign-related expenses during a
30 particular election campaign period for which the clean money
31 funding was allocated.

1 (2) Clean money funding may not be used in violation
2 of the law or to repay any personal, family or business loans,
3 expenditures, or debts.

4 Section 17. Disclosure of excess spending by
5 nonparticipating candidates.--

6 (1) If a nonparticipating candidate's total
7 expenditures exceed the amount of clean money funding
8 allocated to his or her clean money opponent, he or she shall
9 declare every excess expenditure amount which, in the
10 aggregate, is more than \$1,000 to the Division of Elections
11 within 48 hours.

12 (2) During the last 20 days before the end of the
13 relevant campaign period, a nonparticipating candidate shall
14 declare to the Division of Elections each excess expenditure
15 amount over \$500 within 24 hours of when the expenditure is
16 made or obligated to be made.

17 (3) The Division of Elections may make its own
18 determination as to whether excess expenditures have been made
19 by nonparticipating candidates.

20 (4) Upon receiving an excess expenditure declaration,
21 the Division of Elections shall immediately release additional
22 clean money funding to the opposing participating candidate
23 equal to the excess expenditure amount the nonparticipating
24 candidate has spent or intends to spend subject to the limit
25 set forth in section 13(2).

26 Section 18. Definitions.--

27 (1) As used in this act, the term:

28 (a) "Independent expenditure" means an expenditure
29 made by a person or group other than a candidate or
30 candidate's authorized committee which is made for a
31 communication that contains express advocacy, and is made

1 without the participation or cooperation of and without
2 coordination with a candidate or candidate committee.

3 (b) "Express advocacy" means a communication that is
4 made through a broadcast medium, newspaper, magazine,
5 billboard, direct mail, or similar type of general public
6 communication or political advertising that advocates the
7 election or defeat of a clearly identified candidate,
8 including any communication that contains a phrase such as
9 "vote for," "re-elect," "support," "cast your ballot for,"
10 "(name of candidate) for (name of office)," "(name of
11 candidate) in (year)," "vote against," "defeat," "reject," or
12 contains campaign slogans or individual words that in context
13 can have no reasonable meaning other than to recommend the
14 election or defeat of one or more clearly identified
15 candidates. The term does not include any news story,
16 commentary, or editorial by a broadcasting station, newspaper,
17 magazine, or other publication, if the entity is not owned by
18 or affiliated with any candidate or candidate committee or a
19 regularly published newsletter or other communication whose
20 circulation is limited to an organization's members,
21 employees, shareholders, other affiliated individuals and
22 those who request or purchase the internal publication.

23 (c) "Coordination" as used in paragraph (a) means a
24 payment made for a communication or anything of value that is
25 for the purpose of influencing the outcome of a state election
26 and that is made:

27 1. By a person in cooperation, consultation, or
28 concert with, at the request or suggestion of, or pursuant to
29 a particular understanding with a candidate, a candidate's
30 authorized committee, or an agent acting on behalf of an
31 candidate or authorized committee;

1 2. By a person for the dissemination, distribution, or
2 republication, in whole or in part, of any broadcast or any
3 written, graphic, or other form of campaign material prepared
4 by a candidate, a candidate's authorized committee, or an
5 agent of a candidate or authorized committee;

6 3. Based on specific information about the candidate's
7 plans, projects, or needs provided to the person making the
8 payment by the candidate or the candidate's agent who provides
9 the information with a view toward having the payment made;

10 4. By a person if, in the same election cycle in which
11 the payment is made, the person making the payment is serving
12 or has served as a member, employee, fund-raiser, or agent of
13 the candidate's authorized committee in an executive or
14 policy-making position;

15 5. By a person if the person making the payment has
16 served in any formal policy or advisory position with the
17 candidate's campaign or has participated in strategic or
18 policy-making discussions with the candidate's campaign
19 relating to the candidate's pursuit of nomination for election
20 or election to a state office in the same election cycle as
21 the election cycle in which the payment is made; or

22 6. By a person if the person making the payment
23 retains the professional services of an individual or person
24 who, in a nonministerial capacity, has provided or is
25 providing campaign-related services in the same election cycle
26 to a candidate who is pursuing the same nomination or election
27 as any of the candidates to whom the communication refers.

28 (d) "Professional services" includes services in
29 support of a candidate's pursuit of nomination for election or
30 election to state office such as polling, media advice, direct
31 mail, fundraising, or campaign research.

1 Section 19. Disclosure of and additional clean money
2 to respond to independent expenditures.--

3 (1) Any person who makes an independent expenditure
4 during a primary or general election campaign period which, in
5 the aggregate, exceeds \$1,000 shall report each expenditure
6 within 48 hours to the Division of Elections.

7 (2) The report to the Division of Elections shall
8 include a statement, under penalty of perjury, by the person
9 making the independent expenditure identifying the candidate
10 whom the independent expenditure is intended to help elect or
11 defeat and affirming that the expenditure is totally
12 independent and involves no cooperation or coordination with a
13 candidate or a political party.

14 (3) An individual or organization may file a complaint
15 with the Florida Elections Commission if he or she or the
16 organization believes that such a statement is false. The
17 Florida Elections Commission shall make a prompt determination
18 about such a complaint.

19 (4) Any person who makes an independent expenditure
20 that in the aggregate exceeds \$500 shall report each
21 expenditure within 24 hours to the Division of Elections.

22 (5) Upon receiving a report that an independent
23 expenditure has been made or is obligated to be made, the
24 Division of Elections shall immediately release additional
25 clean money funding, equal in amount to the cost of the
26 independent expenditure, to all participating candidates whom
27 the independent expenditure is intended to oppose or defeat,
28 as set forth in subsections (2) and (4), if the maximum
29 aggregate amount of additional funding a participating
30 candidate receives to match independent expenditures and the
31 excess expenditures of nonparticipating candidates is no more

1 than 300 percent of the full amount of clean money funding
2 allocated to a participating candidate in that election, and
3 the aggregate amount of the campaign expenditures, combined
4 with the amount of the independent expenditures of the
5 nonparticipating candidate benefitting from the independent
6 expenditure exceeds the amount of clean money funding received
7 by the participating candidate.

8 (6) Funding in the same amounts must also be granted
9 to any participating candidate when another participating
10 candidate benefits, however unintentionally, from independent
11 expenditures which, in the aggregate with other expenditures,
12 exceed the clean money amount received by the participating
13 candidates.

14 Section 20. Definition and disclosure of and
15 additional clean money to respond to issue advertisements.--

16 (1) As used in this act, the term "issue
17 advertisement" means a communication through a broadcasting
18 station, newspaper, magazine, outdoor advertising facility,
19 mailing, or any other type of general public political
20 advertising the purchase of which is not an independent
21 expenditure or a contribution and which costs, in the
22 aggregate, \$1,000 or more; which contains the name or likeness
23 of one or more candidates; which is communicated during a
24 primary or general election period; and which recommends a
25 position on a political issue.

26 (2) A person that makes a disbursement to purchase an
27 issue advertisement shall file a report with the Division of
28 Elections not later than 48 hours after making the
29 disbursement, containing the amount of the disbursement, the
30 name and address of the person making the disbursement, the
31

1 purpose of the issue advertisement, and the script or a
2 printed or duplicated audio copy of the advertisement.

3 (3) Upon receiving a report that an issue
4 advertisement has been made or is obligated to be made, and
5 upon determination that the advertisement can reasonably be
6 interpreted as having the effect of promoting the defeat of a
7 participating candidate or the election of that candidate's
8 opponent, the Division of Elections shall immediately release
9 to that candidate additional clean money funding, equal in
10 amount to the cost of the issue advertisement.

11 Section 21. Voter Information Commission.--

12 (1) The Secretary of State shall establish and
13 administer a nonpartisan Voter Information Commission
14 consisting of representatives of nonprofit organizations,
15 political parties, the media, and interested citizens.

16 (2) The Voter Information Commission may establish a
17 voter information program for the purpose of providing voters
18 with election-related information and fostering political
19 dialogue and debate.

20 (3) The Voter Information Commission shall organize
21 the publication and distribution of a voter information guide
22 that includes important information about candidates appearing
23 on the ballot, including biographical material submitted by
24 the candidates; whether candidates are funding their campaigns
25 with public money or private money; policy statements by the
26 candidates or their political parties on issues designated by
27 the commission and other issues; and, when pertinent,
28 candidates' voting records.

29 Section 22. Broadcast debates.--

30 (1) All television and radio broadcast stations
31 publicly funded in part or providing publicly approved cable

1 services shall make available, as a condition of their
2 licenses, free coverage for gubernatorial and other statewide
3 candidate debates in contested primary and general elections.

4 (2) At a minimum, broadcasters shall broadcast, and
5 participating candidates in gubernatorial and other statewide
6 races shall participate in, 1-hour debate during a contested
7 primary election and two 1-hour debates during a contested
8 general election.

9 (3) All participating candidates shall participate in
10 public debates when practicable and all nonparticipating
11 candidates for the same office whose names will appear on the
12 ballot must be invited to join the debates.

13 Section 23. Limit on use of legislative or other
14 public official mailing privileges.--

15 (1) Except as provided in subsection (2), an elected
16 official shall not mail any mass mailings as government mail
17 during the period between July 1 of the election year and the
18 date of the general election for that office, unless the
19 candidate has made a public announcement that he or she will
20 not be a candidate for reelection to that office or to any
21 other state office during that election cycle.

22 (2) The normal privileges for elected officials shall
23 remain applicable to mailings not covered under the definition
24 of mass mailing in section 3(14).

25 Section 24. Revenue sources for Clean Money Trust
26 Fund.--

27 (1) The Legislature may appropriate funds which, when
28 added to the revenue outlined in subsection (2), will be
29 sufficient to fully carry out the activities outlined in this
30 act. The appropriated funds shall be deposited in the Clean
31 Money Trust Fund, if created by law.

1 (2) Other sources of revenue to be deposited in the
2 trust fund include:

3 (a) The qualifying contributions required of
4 candidates seeking to become certified as participating
5 candidates according to section 4 of this act and candidates
6 excess qualifying contributions;

7 (b) The excess seed money contributions of candidates
8 seeking to become certified as participating candidates;

9 (c) Unspent funds distributed to any participating
10 candidate who does not remain a candidate until the primary or
11 general election for which they were distributed, or such
12 funds that remain unspent by a participating candidate
13 following the date of the primary or general election for
14 which they were distributed;

15 (d) Fines levied by the Florida Elections Commission
16 against candidates for violation of election laws;

17 (e) Voluntary donations made directly to the Clean
18 Money Trust Fund;

19 (f) A 10 percent surcharge on civil fines.

20 (g) Any interest generated by the fund; and

21 (h) Any other sources of revenue determined by law.

22 Section 25. Administration and dispersal of clean
23 money.--

24 (1) Upon determination that a candidate has met all
25 the requirements for becoming a participating candidate as
26 provided for in this act, the Division of Elections shall
27 authorize the issuance to the candidate of a card, known as
28 the Clean Money Debit Card, and a line of debit entitling the
29 candidates and members of the candidate's staff to draw clean
30 money funds from a state account to pay for all campaign costs
31

1 and expenses up to the amount of clean money funding the
2 candidate has received.

3 (2) Neither a participating candidate nor any other
4 person on behalf of a participating candidate shall pay
5 campaign costs by cash, check, money order, loan, or by any
6 other financial means besides the Clean Money Debit Card,
7 except as provided for in subsection (3).

8 (3) Cash amounts of \$100 or less per day may be drawn
9 on the Clean Money Debit Card and used to pay expenses of no
10 more than \$25 each. Records of all such expenditures must be
11 maintained and reported to the Division of Elections.

12 Section 26. Political party contributions and
13 expenditures.--

14 (1) Participating candidates may accept monetary or
15 in-kind contributions from political parties if the aggregate
16 amount of the contributions from all political party
17 committees combined does not exceed the equivalent of 10
18 percent of the clean money financing amount for that office
19 and if the aggregate does not exceed \$100,000 per candidate
20 per election period.

21 (2) Contributions made to, and expenditures made by,
22 political parties during primary and general election campaign
23 periods must be reported to the Division of Elections on the
24 same basis as contributions and expenditures made to or by
25 candidates.

26 (3) This act does not prevent political party funds
27 from being used for: general operating expenses of the party;
28 conventions; nominating and endorsing candidates on a
29 nonrecurring basis within each election period; identifying,
30 researching, and developing the party's positions on issues;
31 party platform activities; non-candidate-specific voter

1 registration; non-candidate-specific get-out-the-vote drives;
2 travel expenses for noncandidate party leaders and staff; and
3 other non-candidate-specific party building activities.

4 Section 27. Subsection (17) of section 106.011,
5 Florida Statutes, is amended to read:

6 106.011 Definitions.--As used in this chapter, the
7 following terms have the following meanings unless the context
8 clearly indicates otherwise:

9 (17)(a) "Political advertisement" means a paid
10 expression in any communications media prescribed in
11 subsection (13), whether radio, television, newspaper,
12 magazine, periodical, campaign literature, direct mail, or
13 display or by means other than the spoken word in direct
14 conversation, which shall support or oppose any candidate,
15 elected public official, or issue. A political advertisement
16 shall be deemed to support or oppose a candidate or elected
17 public official if it mentions or shows a clearly identifiable
18 candidate for election or reelection and is distributed at any
19 point during the period following the last day of qualifying
20 for that candidacy through the immediately ensuing general
21 election, regardless of whether the communication contains the
22 words "vote for," "re-elect," "vote against," "defeat," or any
23 similar words or statements.

24 (b) However, "Political advertisement" does not
25 include:

26 1.(a) A statement by an organization, in existence
27 prior to the time during which a candidate qualifies or an
28 issue is placed on the ballot for that election, in support of
29 or opposition to a candidate or issue, in that organization's
30 newsletter, which newsletter is distributed only to the
31 members of that organization.

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

3 3. A paid expression in any communications media that
4 mentions or shows a clearly identifiable candidate for
5 election or reelection and that:

6 a. Advertises a business rather than the candidate, is
7 paid for out of funds of that business, and is similar to
8 other advertisements for that business that have mentioned or
9 shown the candidate and have been distributed on a regular
10 basis over a period of at least 1 year prior to the qualifying
11 period for that candidacy; or

12 b. Is distributed or broadcast only to areas other
13 than the geographical area of the electorate for that
14 candidacy.

15 Section 28. Subsection (3) of section 106.021, Florida
16 Statutes, is amended to read:

17 106.021 Campaign treasurers; deputies; primary and
18 secondary depositories.--

19 (3) Except for independent expenditures, no
20 contribution or expenditure, including contributions or
21 expenditures of a candidate or of the candidate's family,
22 shall be directly or indirectly made or received in
23 furtherance of the candidacy of any person for nomination or
24 election to political office in the state or on behalf of any
25 political committee except through the duly appointed campaign
26 treasurer of the candidate or political committee. ~~However,~~
27 ~~expenditures may be made directly by any political committee~~
28 ~~or political party regulated by chapter 103 for obtaining~~
29 ~~time, space, or services in or by any communications medium~~
30 ~~for the purpose of jointly endorsing three or more candidates,~~
31 ~~and any such expenditure shall not be considered a~~

1 ~~contribution or expenditure to or on behalf of any such~~
2 ~~candidates for the purposes of this chapter.~~

3 Section 29. Section 106.08, Florida Statutes, is
4 amended to read:

5 106.08 Contributions; limitations on.--

6 (1)(a) Except for political parties, no person,
7 political committee, or committee of continuous existence may,
8 in any election, make contributions in excess of \$500 to any
9 candidate for election to or retention in office or to any
10 political committee supporting or opposing one or more
11 candidates. Candidates for the offices of Governor and
12 Lieutenant Governor on the same ticket are considered a single
13 candidate for the purpose of this section.

14 (b)1. The contribution limits provided in this
15 subsection do not apply to contributions made by a state or
16 county executive committee of a political party regulated by
17 chapter 103 or to amounts contributed by a candidate to his or
18 her own campaign.

19 2. Notwithstanding the limits provided in this
20 subsection, an unemancipated child under the age of 18 years
21 of age may not make a contribution in excess of \$100 to any
22 candidate or to any political committee supporting one or more
23 candidates.

24 (c) The contribution limits of this subsection apply
25 to each election. For purposes of this subsection, the first
26 primary, second primary, and general election are separate
27 elections so long as the candidate is not an unopposed
28 candidate as defined in s. 106.011(15). However, for the
29 purpose of contribution limits with respect to candidates for
30 retention as a justice or judge, there is only one election,
31 which is the general election. With respect to candidates in a

1 circuit holding an election for circuit judge or in a county
2 holding an election for county court judge, there are only two
3 elections, which are the first primary election and general
4 election.

5 (2) A person, political committee, or committee of
6 continuous existence may not make contributions to the state
7 and county executive committees of a political party,
8 including any subordinate committee of a state or county
9 executive committee of a political party, which contributions,
10 including in-kind contributions, in the aggregate in any
11 calendar year exceed \$5,000.

12 (3)(2)(a) A candidate may not accept contributions
13 from national, state, including any subordinate committee of a
14 national, state, or county committee of a political party, and
15 county executive committees of a political party, including
16 any subordinate committee of a national, state, or county
17 executive committee of a political party, which contributions,
18 including in-kind contributions, in the aggregate in any
19 calendar year exceed \$5,000 \$50,000, no more than \$25,000 of
20 which may be accepted prior to the 28-day period immediately
21 preceding the date of the general election.

22 (b) National, state, and county executive committees
23 of a political party, including any subordinate committee of a
24 national, state, or county executive committee of a political
25 party, may not make contributions to a candidate, which
26 contributions, including in-kind contributions, in the
27 aggregate in any calendar year exceed \$5,000. Polling
28 services, research services, costs for campaign staff,
29 professional consulting services, and telephone calls are not
30 contributions to be counted toward the contribution limits of
31 paragraph (a). Any item not expressly identified in this

1 ~~paragraph as nonallocable is a contribution in an amount equal~~
2 ~~to the fair market value of the item and must be counted as~~
3 ~~allocable toward the \$50,000 contribution limits of paragraph~~
4 ~~(a). Nonallocable, in-kind contributions must be reported by~~
5 ~~the candidate under s. 106.07 and by the political party under~~
6 ~~s. 106.29.~~

7 (4)~~(3)~~(a) Any contribution received by a candidate
8 with opposition in an election or by the campaign treasurer or
9 a deputy campaign treasurer of such a candidate on the day of
10 that election or less than 5 days prior to the day of that
11 election must be returned by him or her to the person or
12 committee contributing it and may not be used or expended by
13 or on behalf of the candidate.

14 (b) Except as otherwise provided in paragraph (c), any
15 contribution received by a candidate or by the campaign
16 treasurer or a deputy campaign treasurer of a candidate after
17 the date at which the candidate withdraws his or her
18 candidacy, or after the date the candidate is defeated,
19 becomes unopposed, or is elected to office must be returned to
20 the person or committee contributing it and may not be used or
21 expended by or on behalf of the candidate.

22 (c) With respect to any campaign for an office in
23 which an independent or minor party candidate has filed as
24 required in s. 99.0955 or s. 99.096, but whose qualification
25 is pending a determination by the Department of State or
26 supervisor of elections as to whether or not the required
27 number of petition signatures was obtained:

28 1. The department or supervisor shall, no later than 3
29 days after that determination has been made, notify in writing
30 all other candidates for that office of that determination.

31

1 2. Any contribution received by a candidate or the
2 campaign treasurer or deputy campaign treasurer of a candidate
3 after the candidate has been notified in writing by the
4 department or supervisor that he or she has become unopposed
5 as a result of an independent or minor party candidate failing
6 to obtain the required number of petition signatures shall be
7 returned to the person, political committee, or committee of
8 continuous existence contributing it and shall not be used or
9 expended by or on behalf of the candidate.

10 (5)~~(4)~~ Any contribution received by the chair,
11 campaign treasurer, or deputy campaign treasurer of a
12 political committee supporting or opposing a candidate with
13 opposition in an election or supporting or opposing an issue
14 on the ballot in an election on the day of that election or
15 less than 5 days prior to the day of that election may not be
16 obligated or expended by the committee until after the date of
17 the election.

18 (6)~~(5)~~ A person may not make any contribution through
19 or in the name of another, directly or indirectly, in any
20 election. Candidates, political committees, and political
21 parties may not solicit contributions from or make
22 contributions to any religious, charitable, civic, or other
23 causes or organizations established primarily for the public
24 good. However, it is not a violation of this subsection for a
25 candidate, political committee, or political party executive
26 committee to make gifts of money in lieu of flowers in memory
27 of a deceased person or for a candidate to continue membership
28 in, or make regular donations from personal or business funds
29 to, religious, political party, civic, or charitable groups of
30 which the candidate is a member or to which the candidate has
31 been a regular donor for more than 6 months. A candidate may

1 purchase, with campaign funds, tickets, admission to events,
2 or advertisements from religious, civic, political party, or
3 charitable groups.

4 (7)~~(6)~~ A political party may not accept any
5 contribution which has been specifically designated for the
6 partial or exclusive use of a particular candidate. Any
7 contribution so designated must be returned to the contributor
8 and may not be used or expended by or on behalf of the
9 candidate.

10 (8)~~(7)~~(a) Any person who knowingly and willfully makes
11 no more than one contribution in violation of subsection (1),
12 subsection (2), or subsection~~(6)~~(5), or any person who
13 knowingly and willfully fails or refuses to return any
14 contribution as required in subsection~~(4)~~(3), commits a
15 misdemeanor of the first degree, punishable as provided in s.
16 775.082 or s. 775.083. If any corporation, partnership, or
17 other business entity or any political party, political
18 committee, or committee of continuous existence is convicted
19 of knowingly and willfully violating any provision punishable
20 under this paragraph, it shall be fined not less than \$1,000
21 and not more than \$10,000. If it is a domestic entity, it may
22 be ordered dissolved by a court of competent jurisdiction; if
23 it is a foreign or nonresident business entity, its right to
24 do business in this state may be forfeited. Any officer,
25 partner, agent, attorney, or other representative of a
26 corporation, partnership, or other business entity or of a
27 political party, political committee, or committee of
28 continuous existence who aids, abets, advises, or participates
29 in a violation of any provision punishable under this
30 paragraph commits a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083.

1 (b) Any person who knowingly and willfully makes two
2 or more contributions in violation of subsection (1),
3 subsection (2), or subsection ~~(6)~~~~(5)~~ commits a felony of the
4 third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084. If any corporation, partnership, or
6 other business entity or any political party, political
7 committee, or committee of continuous existence is convicted
8 of knowingly and willfully violating any provision punishable
9 under this paragraph, it shall be fined not less than \$10,000
10 and not more than \$50,000. If it is a domestic entity, it may
11 be ordered dissolved by a court of competent jurisdiction; if
12 it is a foreign or nonresident business entity, its right to
13 do business in this state may be forfeited. Any officer,
14 partner, agent, attorney, or other representative of a
15 corporation, partnership, or other business entity, or of a
16 political committee, committee of continuous existence, or
17 political party who aids, abets, advises, or participates in a
18 violation of any provision punishable under this paragraph
19 commits a felony of the third degree, punishable as provided
20 in s. 775.082, s. 775.083, or s. 775.084.

21 ~~(9)~~~~(8)~~ Except when otherwise provided in subsection
22 ~~(8)~~~~(7)~~, any person who knowingly and willfully violates any
23 provision of this section shall, in addition to any other
24 penalty prescribed by this chapter, pay to the state a sum
25 equal to twice the amount contributed in violation of this
26 chapter. Each campaign treasurer shall pay all amounts
27 contributed in violation of this section to the state for
28 deposit in the General Revenue Fund.

29 ~~(10)~~~~(9)~~ This section does not apply to the transfer of
30 funds between a primary campaign depository and a savings
31

1 account or certificate of deposit or to any interest earned on
2 such account or certificate.

3 Section 30. Paragraph (a) of subsection (1) and
4 paragraph (a) of subsection (2) of section 106.087, Florida
5 Statutes, are amended to read:

6 106.087 Independent expenditures; contribution limits;
7 restrictions on political parties, political committees, and
8 committees of continuous existence.--

9 (1)(a) As a condition of receiving a rebate of filing
10 fees and party assessment funds pursuant to s. 99.061(2), s.
11 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
12 treasurer of a state or county executive committee shall take
13 and subscribe to an oath or affirmation in writing. During the
14 qualifying period for state candidates and prior to
15 distribution of such funds, a printed copy of the oath or
16 affirmation shall be filed with the Secretary of State and
17 shall be substantially in the following form:

18

19 State of Florida

20 County of....

21 Before me, an officer authorized to administer oaths,
22 personally appeared ...(name)..., to me well known, who, being
23 sworn, says that he or she is the ...(title)... of the
24 ...(name of party)... ...(state or specified county)...
25 executive committee; that the executive committee has not
26 made, either directly or indirectly, an independent
27 expenditure in support of or opposition to a candidate or
28 elected public official in the prior 6 months; that the
29 executive committee will not make, either directly or
30 indirectly, an independent expenditure in support of or
31 opposition to a candidate or elected public official, through

1 and including the upcoming general election; and that the
2 executive committee will not violate the contribution limits
3 applicable to candidates under s. 106.08(3)~~s. 106.08(2)~~,
4 Florida Statutes.

5 ... (Signature of committee officer)...

6 ... (Address)...

7
8 Sworn to and subscribed before me this day of,
9 ...(year)..., at County, Florida.

10 ... (Signature and title of officer administering oath)...

11
12 (2)(a) Any political committee or committee of
13 continuous existence that accepts the use of public funds,
14 equipment, personnel, or other resources to collect dues from
15 its members agrees not to make independent expenditures in
16 support of or opposition to a candidate or elected public
17 official. ~~However, expenditures may be made for the sole~~
18 ~~purpose of jointly endorsing three or more candidates.~~

19 Section 31. For the purpose of incorporating the
20 amendment to section 106.08, Florida Statutes, in a reference
21 thereto, subsection (1) of section 106.19, Florida Statutes,
22 is reenacted to read:

23 106.19 Violations by candidates, persons connected
24 with campaigns, and political committees.--

25 (1) Any candidate; campaign manager, campaign
26 treasurer, or deputy treasurer of any candidate; committee
27 chair, vice chair, campaign treasurer, deputy treasurer, or
28 other officer of any political committee; agent or person
29 acting on behalf of any candidate or political committee; or
30 other person who knowingly and willfully:

1 (a) Accepts a contribution in excess of the limits
2 prescribed by s. 106.08;

3 (b) Fails to report any contribution required to be
4 reported by this chapter;

5 (c) Falsely reports or deliberately fails to include
6 any information required by this chapter; or

7 (d) Makes or authorizes any expenditure in violation
8 of s. 106.11(3) or any other expenditure prohibited by this
9 chapter;

10
11 is guilty of a misdemeanor of the first degree, punishable as
12 provided in s. 775.082 or s. 775.083.

13 Section 32. Subsection (6) of section 106.29, Florida
14 Statutes, is amended to read:

15 106.29 Reports by political parties; restrictions on
16 contributions and expenditures; penalties.--

17 (6)(a) The national, state, and county executive
18 committees of a political party, including any subordinate
19 committee of a national, state, or county executive committee
20 of a political party, may not contribute to any candidate any
21 amount in excess of the limits contained in s. 106.08(3)~~s.~~
22 ~~106.08(2), and all contributions required to be reported under~~
23 ~~s. 106.08(2) by the national executive committee of a~~
24 ~~political party shall be reported by the state executive~~
25 ~~committee of that political party.~~

26 (b) A violation of the contribution limits contained
27 in s. 106.08(3)~~s. 106.08(2)~~ is a misdemeanor of the first
28 degree, punishable as provided in s. 775.082 or s. 775.083. A
29 civil penalty equal to three times the amount in excess of the
30 limits contained in s. 106.08(3)~~s. 106.08(2)~~ shall be

31

1 assessed against any executive committee found in violation
2 thereof.

3 Section 33. Florida Elections Commission powers and
4 procedures.--

5 (1) After every primary and general election, the
6 Florida Elections Commission may conduct random audits and
7 investigations to ensure compliance with this act.

8 (2) The subjects of audits and investigations shall be
9 selected on the basis of impartial criteria established by a
10 vote of at least three members of the commission.

11 (3) The commission may seek injunctions if:

12 (a) There is a substantial likelihood that a violation
13 of this act is occurring or is about to occur;

14 (b) The failure to act expeditiously will result in
15 irreparable harm to a party affected by the potential
16 violation;

17 (c) An expeditious action will not cause undue harm or
18 prejudice to the interests of others; and

19 (d) The public interest would be best served by the
20 issuance of an injunction.

21 (4) The commission may levy fines for violations of
22 the law. Fines paid shall be deposited in the Clean Money
23 Trust Fund, if created by law.

24 (5) The commission shall refer criminal violations to
25 the appropriate state attorney for prosecution.

26 (6) The commission may participate fully in any
27 actions filed under this section.

28 Section 34. Florida Elections Commission Reports.--The
29 Florida Elections Commission shall report fully to the
30 Legislature after each election cycle. The report shall
31 include a detailed summary of all seed money contributions,

1 qualifying contributions, and benefits received, and
2 expenditures made, by all participating candidates. The report
3 shall also include a summary and evaluation of the
4 commission's activities and recommendations relating to the
5 implementation, administration, and enforcement of this act.

6 Section 35. Repayments of excess expenditures.--

7 (1) If a participating candidate spends or obligates
8 to spend more than the clean money funding the candidate is
9 given, and if such is determined not to be an amount that had
10 or could have been expected to have a significant impact on
11 the outcome of the election, the candidate shall repay an
12 amount equal to the excess.

13 (2) If a participating candidate spends or obligates
14 to spend more than the clean money funding the candidate is
15 given, and if such is determined to be an amount that had or
16 could have been expected to have a significant impact on the
17 outcome of the election, the candidate shall repay an amount
18 equal to ten time the value of the excess.

19 Section 36. Penalties.--

20 (1) It is a violation of this act for candidates to
21 knowingly accept more benefits than those to which they are
22 entitled, spend more than the amount of clean money funding
23 they have received, or misuse such benefits or clean money
24 funding.

25 (a) If it is determined that the violation was
26 intentional and involved an amount that had or could have been
27 expected to have a significant impact on the outcome of the
28 election, the candidate is guilty of a felony of the third
29 degree, punishable as provided in section 775.082, section
30 775.083, or section 775.084, Florida Statutes.

31

