

By Senator Lawson

3-974-01

See HB 439

1                                   A bill to be entitled  
2           An act relating to elections; providing a short  
3           title; amending s. 106.011, F.S.; revising  
4           definitions of the terms "political committee,"  
5           "contribution," "expenditure," and "political  
6           advertisement"; amending s. 106.021, F.S.;  
7           eliminating a provision that authorizes the  
8           unrestricted expenditure of funds for the  
9           purpose of jointly endorsing three or more  
10          candidates; amending s. 106.03, F.S.; providing  
11          additional requirements for registration of  
12          political committees and certification of  
13          committees of continuous existence; providing  
14          penalties and applicability; amending s.  
15          106.04, F.S.; requiring committees of  
16          continuous existence to update certain  
17          certification information; requiring an  
18          up-to-date membership list with the application  
19          for certification and with each annual and  
20          regular report; specifying information  
21          membership lists must provide; requiring  
22          membership dues to be reported in the same  
23          manner as regular contributions; prohibiting  
24          committees of continuous existence from making  
25          expenditures in support of or opposition to an  
26          elected public official without registering as  
27          a political committee; providing that records  
28          of a committee of continuous existence relating  
29          to political activities are public records;  
30          revising the fine for late filing of reports by  
31          committees of continuous existence; providing

1 penalties; amending s. 106.07, F.S.; conforming  
2 a cross-reference, to conform; amending s.  
3 106.08, F.S.; providing limits on contributions  
4 to a political party; revising a provision  
5 relating to restrictions on contributions to a  
6 candidate by a political party; providing  
7 penalties; reenacting s. 106.19(1)(a), F.S.,  
8 relating to penalties applicable to acceptance  
9 of contributions in excess of the limits  
10 provided by law, to incorporate the amendment  
11 to s. 106.08, F.S., in a reference thereto;  
12 amending s. 106.087, F.S.; eliminating a  
13 provision that prohibits certain political  
14 committees and committees of continuous  
15 existence from making independent expenditures  
16 in support of or opposition to a candidate or  
17 elected public official; amending s. 106.29,  
18 F.S.; requiring subordinate and executive  
19 committees of a political party to adhere to  
20 contribution limits for political parties;  
21 providing penalties; creating s. 106.291, F.S.;  
22 requiring state and county executive  
23 committees, including subordinate committees  
24 thereof, to report to the Division of Elections  
25 certain contributions received while the  
26 Legislature is in regular, extended, or special  
27 session; providing reporting requirements;  
28 providing for the posting of such reports on  
29 the Internet; providing a fine for late filing;  
30 providing for severability; providing effective  
31 dates.

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

2

3 Section 1. This act may be cited as the "Marjorie  
4 Turnbull Campaign Finance Reform Act."

5 Section 2. Effective upon this act becoming a law,  
6 subsection (1) of section 106.011, Florida Statutes, is  
7 amended to read:

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

11 (1)(a) "Political committee" means:

12 1. A combination of two or more individuals, or a  
13 person other than an individual, that in an aggregate amount  
14 in excess of \$500 during a calendar year:

15 a. Accepts contributions for the purpose of making  
16 contributions to any candidate, political committee, committee  
17 of continuous existence, or political party;

18 b. Accepts contributions for the purpose of expressly  
19 advocating the election or defeat of any candidate or issue;

20 c. Makes expenditures for the purpose of expressly  
21 advocating the election or defeat of any candidate or issue;  
22 or

23 d. Makes contributions to a common fund, other than a  
24 joint checking account between spouses, from which  
25 contributions are made to any candidate, political committee,  
26 committee of continuous existence, or political party.~~the~~  
27 ~~primary or incidental purpose of which is to support or oppose~~  
28 ~~any candidate, issue, or political party, which accepts~~  
29 ~~contributions or makes expenditures during a calendar year in~~  
30 ~~an aggregate amount in excess of \$500; "political committee"~~  
31 ~~also means~~

1           2. The sponsor of a proposed constitutional amendment  
2 by initiative who intends to seek the signatures of registered  
3 electors.

4           (b) Notwithstanding paragraph (a), the following  
5 entities shall not be considered political committees for  
6 purposes of this chapter:

7           1. Organizations which are certified by the Department  
8 of State as committees of continuous existence pursuant to s.  
9 106.04, national political parties, and the state and county  
10 executive committees of political parties regulated by chapter  
11 103 ~~shall not be considered political committees for the~~  
12 ~~purposes of this chapter.~~

13           2. Corporations regulated by chapter 607 or chapter  
14 617 or other business entities formed for purposes other than  
15 to support or oppose issues or candidates, ~~are not political~~  
16 ~~committees~~ if their political activities are limited to  
17 contributions to candidates, political parties, or political  
18 committees or expenditures in support of or opposition to an  
19 issue from corporate or business funds and if no contributions  
20 are received by such corporations or business entities.

21           Section 3. Subsections (3), (4), and (17) of section  
22 106.011, Florida Statutes, and subsection (1) of that section,  
23 as amended by this act, are amended to read:

24           106.011 Definitions.--As used in this chapter, the  
25 following terms have the following meanings unless the context  
26 clearly indicates otherwise:

27           (1)(a) "Political committee" means:

28           1. A combination of two or more individuals, or a  
29 person other than an individual, that in an aggregate amount  
30 in excess of \$500 during a calendar year:

31

1 a. Accepts contributions for the purpose of making  
2 contributions to any candidate, elected public official,  
3 political committee, committee of continuous existence, or  
4 political party;

5 b. Accepts contributions for the purpose of expressly  
6 advocating the election or defeat of any candidate, elected  
7 public official, or issue;

8 c. Makes expenditures for the purpose of expressly  
9 advocating the election or defeat of any candidate, elected  
10 public official, or issue; or

11 d. Makes contributions to a common fund, other than a  
12 joint checking account between spouses, from which  
13 contributions are made to any candidate, elected public  
14 official, political committee, committee of continuous  
15 existence, or political party.

16 2. The sponsor of a proposed constitutional amendment  
17 by initiative who intends to seek the signatures of registered  
18 electors.

19 (b) Notwithstanding paragraph (a), the following  
20 entities shall not be considered political committees for  
21 purposes of this chapter:

22 1. Organizations which are certified by the Department  
23 of State as committees of continuous existence pursuant to s.  
24 106.04, national political parties, and the state and county  
25 executive committees of political parties regulated by chapter  
26 103.

27 2. Corporations regulated by chapter 607 or chapter  
28 617 or other business entities formed for purposes other than  
29 to support or oppose issues or candidates, if their political  
30 activities are limited to contributions to candidates,  
31 political parties, or political committees or expenditures in

1 support of or opposition to an issue from corporate or  
2 business funds and if no contributions are received by such  
3 corporations or business entities.

4 (3) "Contribution" means:

5 (a) A gift, subscription, conveyance, deposit, loan,  
6 payment, or distribution of money or anything of value,  
7 including contributions in kind having an attributable  
8 monetary value in any form, made for the purpose of  
9 influencing the results of an election.

10 (b) A transfer of funds between political committees,  
11 between committees of continuous existence, or between a  
12 political committee and a committee of continuous existence.

13 (c) The payment, by any person other than a candidate  
14 or political committee, of compensation for the personal  
15 services of another person which are rendered to a candidate  
16 or political committee without charge to the candidate or  
17 committee for such services.

18 (d) The transfer of funds by a campaign treasurer or  
19 deputy campaign treasurer between a primary depository and a  
20 separate interest-bearing account or certificate of deposit,  
21 and the term includes any interest earned on such account or  
22 certificate.

23 (e) Any funds received by a political committee which  
24 are used or intended to be used, directly or indirectly, to  
25 pay for a political advertisement supporting or opposing an  
26 elected public official.

27  
28 Notwithstanding the foregoing meanings of "contribution," the  
29 word shall not be construed to include services, including,  
30 but not limited to, legal and accounting services, provided  
31 without compensation by individuals volunteering a portion or

1 all of their time on behalf of a candidate or political  
2 committee. This definition shall not be construed to include  
3 editorial endorsements.

4 (4) "Expenditure" means a purchase, payment,  
5 distribution, loan, advance, transfer of funds by a campaign  
6 treasurer or deputy campaign treasurer between a primary  
7 depository and a separate interest-bearing account or  
8 certificate of deposit, or gift of money or anything of value  
9 made for the purpose of influencing the results of an election  
10 or for purchasing a political advertisement supporting or  
11 opposing an elected public official. However, "expenditure"  
12 does not include a purchase, payment, distribution, loan,  
13 advance, or gift of money or anything of value made for the  
14 purpose of influencing the results of an election when made by  
15 an organization, in existence prior to the time during which a  
16 candidate qualifies or an issue is placed on the ballot for  
17 that election, for the purpose of printing or distributing  
18 such organization's newsletter, containing a statement by such  
19 organization in support of or opposition to a candidate or  
20 issue, which newsletter is distributed only to members of such  
21 organization.

22 (17)(a) "Political advertisement" means a paid  
23 expression in any communications media prescribed in  
24 subsection (13), whether radio, television, newspaper,  
25 magazine, periodical, campaign literature, direct mail, or  
26 display or by means other than the spoken word in direct  
27 conversation, which shall support or oppose any candidate,  
28 elected public official, or issue. In addition, an  
29 advertisement is presumed to be a political advertisement if  
30 it is a paid expression in any communications media described  
31 in subsection (13), whether radio, television, newspaper,

1 magazine, periodical, campaign literature, direct mail, or  
2 display or by means other than the spoken word in direct  
3 conversation, which substantially mentions or shows a clearly  
4 identifiable candidate for election or reelection and is  
5 distributed at any point during the period following the last  
6 day of qualifying for that candidacy through the ensuing  
7 general election and which, when examined by a reasonable  
8 person, would be understood as a communication made for the  
9 purpose of influencing the results of an election on that  
10 candidacy during that period and for which aggregate  
11 expenditures on like advertisements exceed \$1,000.

12 (b) However, "Political advertisement" does not  
13 include:

14 1.(a) A statement by an organization, in existence  
15 prior to the time during which a candidate qualifies or an  
16 issue is placed on the ballot for that election, in support of  
17 or opposition to a candidate or issue, in that organization's  
18 newsletter, which newsletter is distributed only to the  
19 members of that organization.

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

22 3. A paid expression in any communications media which  
23 mentions or shows a clearly identifiable candidate for  
24 election or reelection which:

25 a. Advertises a business rather than the candidate, is  
26 paid for out of funds of that business, and is similar to  
27 other advertisements for that business which have mentioned or  
28 shown the candidate and have been distributed regularly over a  
29 period of at least 1 year before the qualifying period for  
30 that candidacy; or

31



1           b. Is distributed or broadcast only to areas other  
2 than the geographical area of the electorate for that  
3 candidacy.

4           Section 4. Subsection (3) of section 106.021, Florida  
5 Statutes, is amended to read:

6           106.021 Campaign treasurers; deputies; primary and  
7 secondary depositories.--

8           (3) Except for independent expenditures, no  
9 contribution or expenditure, including contributions or  
10 expenditures of a candidate or of the candidate's family,  
11 shall be directly or indirectly made or received in  
12 furtherance of the candidacy of any person for nomination or  
13 election to political office in the state or on behalf of any  
14 political committee except through the duly appointed campaign  
15 treasurer of the candidate or political committee. ~~However,~~  
16 ~~expenditures may be made directly by any political committee~~  
17 ~~or political party regulated by chapter 103 for obtaining~~  
18 ~~time, space, or services in or by any communications medium~~  
19 ~~for the purpose of jointly endorsing three or more candidates,~~  
20 ~~and any such expenditure shall not be considered a~~  
21 ~~contribution or expenditure to or on behalf of any such~~  
22 ~~candidates for the purposes of this chapter.~~

23           Section 5. Section 106.03, Florida Statutes, is  
24 amended to read:

25           106.03 Registration of political committees.--

26           (1) Each political committee which anticipates  
27 receiving contributions or making expenditures during a  
28 calendar year in an aggregate amount exceeding \$500 or which  
29 is seeking the signatures of registered electors in support of  
30 an initiative shall file a statement of organization as  
31 provided in subsection (4) ~~(3)~~ within 10 days after its

1 organization or, if later, within 10 days after the date on  
2 which it has information which causes the committee to  
3 anticipate that it will receive contributions or make  
4 expenditures in excess of \$500. If a political committee is  
5 organized within 10 days of any election, it shall immediately  
6 file the statement of organization required by this section.

7 (2) The statement of organization shall include:

8 (a) The name and address of the committee;

9 (b) The names, addresses, and relationships of  
10 affiliated or connected organizations;

11 (c) The area, scope, or jurisdiction of the committee;

12 (d) The name, address, ~~and~~ position, and principal  
13 employer of the custodian of books and accounts;

14 (e) The name, address, ~~and~~ position, and principal  
15 employer of each other principal officer ~~officers~~, including  
16 officers and members of the finance committee, if any;

17 (f) The name, address, office sought, and party  
18 affiliation of:

19 1. Each candidate whom the committee is supporting;

20 2. Any other individual, if any, whom the committee is  
21 supporting for nomination for election, or election, to any  
22 public office whatever;

23 (g) Any issue or issues such organization is  
24 supporting or opposing;

25 (h) If the committee is supporting the entire ticket  
26 of any party, a statement to that effect and the name of the  
27 party;

28 (i) A statement of whether the committee is a  
29 continuing one;

30 (j) Plans for the disposition of residual funds which  
31 will be made in the event of dissolution;

1 (k) A listing of all banks, safe-deposit boxes, or  
2 other depositories used for committee funds; and

3 (l) A statement of the reports required to be filed by  
4 the committee with federal officials, if any, and the names,  
5 addresses, and positions of such officials.

6 (3)(a) The name of the committee provided in the  
7 statement of organization must include the name of the  
8 corporation, labor union, professional association, political  
9 committee, committee of continuous existence, or other  
10 business entity whose officials, employees, agents, or  
11 members, directly or indirectly, established or organized the  
12 committee, if any.

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

21 (c) Any person who knowingly and willfully violates  
22 this subsection shall be fined not less than \$1,000 and not  
23 more than \$10,000 for each violation. Any officer, partner,  
24 agent, attorney, or other representative of a corporation,  
25 labor union, professional association, political committee,  
26 committee of continuous existence, or other business entity  
27 who aids, abets, advises, or participates in a violation of  
28 any provision of this subsection shall be fined not less than  
29 \$1,000 and not more than \$10,000 for each violation.

30 (4)(3)(a) A political committee which is organized to  
31 support or oppose statewide, legislative, or multicounty

1 candidates or issues to be voted upon on a statewide or  
2 multicounty basis shall file a statement of organization with  
3 the Division of Elections.

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

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

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

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

27 (6)~~(5)~~ Any committee which, after having filed one or  
28 more statements of organization, disbands or determines it  
29 will no longer receive contributions or make expenditures  
30 during the calendar year in an aggregate amount exceeding \$500  
31

1 shall so notify the agency or officer with whom such committee  
2 is required to file the statement of organization.

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

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

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

20 (b) Adequate opportunity to respond.

21 (c) Appeal of the decision to the Florida Elections  
22 Commission. Such appeals shall be exempt from the  
23 confidentiality provisions of s. 106.25.

24 Section 6. Section 106.04, Florida Statutes, is  
25 amended to read:

26 106.04 Committees of continuous existence.--

27 (1) In order to qualify as a committee of continuous  
28 existence for the purposes of this chapter, a group,  
29 organization, association, or other such entity which is  
30 involved in making contributions to candidates, political  
31

1 committees, or political parties, shall meet the following  
2 criteria:

3 (a) It shall be organized and operated in accordance  
4 with a written charter or set of bylaws which contains  
5 procedures for the election of officers and directors and  
6 which clearly defines membership in the organization; and

7 (b) At least 25 percent of the income of such  
8 organization, excluding interest, must be derived from dues or  
9 assessments payable on a regular basis by its membership  
10 pursuant to provisions contained in the charter or bylaws.

11 (2) Any group, organization, association, or other  
12 entity may seek certification from the Department of State as  
13 a committee of continuous existence by filing an application  
14 with the Division of Elections on a form provided by the  
15 division. Such application shall provide the information  
16 required of political committees by s. 106.03(2) and (3), and  
17 any change in such information shall be reported pursuant to  
18 s. 106.03(5). Each application shall be accompanied by the  
19 name and street address of the principal officer of the  
20 applying entity as of the date of the application; a copy of  
21 the charter or bylaws of the organization; a copy of the dues  
22 or assessment schedule of the organization, or formula by  
23 which dues or assessments are levied; an up-to-date membership  
24 list;and a complete financial statement or annual audit  
25 summarizing all income received, and all expenses incurred, by  
26 the organization during the 12 months preceding the date of  
27 application. The membership list must provide the name and  
28 occupation of, and the amount of dues paid by, each member of  
29 the organization and shall be updated and submitted with each  
30 annual and regular report filed pursuant to subsection (4). ~~A~~

31

1 ~~membership list shall be made available for inspection if~~  
2 ~~deemed necessary by the division.~~

3 (3) If the Division of Elections finds that an  
4 applying organization meets the criteria for a committee of  
5 continuous existence as provided by subsection (1), it shall  
6 certify such findings and notify the applying organization of  
7 such certification. If it finds that an applying organization  
8 does not meet the criteria for certification, it shall notify  
9 the organization of such findings and shall state the reasons  
10 why such criteria are not met.

11 (4)(a) Each committee of continuous existence shall  
12 file an annual report with the Division of Elections during  
13 the month of January. Such annual reports shall contain the  
14 same information and shall be accompanied by the same  
15 materials as original applications filed pursuant to  
16 subsection (2). However, the charter or bylaws need not be  
17 filed if the annual report is accompanied by a sworn statement  
18 by the chair that no changes have been made to such charter or  
19 bylaws since the last filing.

20 (b)1. Each committee of continuous existence shall  
21 file regular reports with the Division of Elections at the  
22 same times and subject to the same filing conditions as are  
23 established by s. 106.07(1) and (2) for candidates' reports.

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

28 (c) All committees of continuous existence shall file  
29 the original and one copy of their reports with the Division  
30 of Elections. In addition, a duplicate copy of each report  
31 shall be filed with the supervisor of elections in the county

1 in which the committee maintains its books and records, except  
2 that if the filing officer to whom the committee is required  
3 to report is located in the same county as the supervisor no  
4 such duplicate report is required to be filed with the  
5 supervisor. Reports shall be on forms provided by the  
6 division and shall contain the following information:

7 1. The full name, address, and occupation of each  
8 person who has made one or more contributions to the committee  
9 during the reporting period, together with the amounts and  
10 dates of such contributions. For corporations, the report  
11 must provide as clear a description as practicable of the  
12 principal type of business conducted by the corporation.  
13 However, if the contribution is \$100 or less, the occupation  
14 of the contributor or principal type of business need not be  
15 listed. ~~However, for any contributions which represent the~~  
16 ~~payment of dues by members in a fixed amount pursuant to the~~  
17 ~~schedule on file with the Division of Elections, only the~~  
18 ~~aggregate amount of such contributions need be listed,~~  
19 ~~together with the number of members paying such dues and the~~  
20 ~~amount of the membership dues.~~

21 2. The name and address of each political committee or  
22 committee of continuous existence from which the reporting  
23 committee received, or the name and address of each political  
24 committee, committee of continuous existence, or political  
25 party to which it made, any transfer of funds, together with  
26 the amounts and dates of all transfers.

27 3. Any other receipt of funds not listed pursuant to  
28 subparagraph 1. or subparagraph 2., including the sources and  
29 amounts of all such funds.

30 4. The name and address of, and office sought by, each  
31 candidate to whom the committee has made a contribution during



1 the reporting period, together with the amount and date of  
2 each contribution.

3 (d) The treasurer of each committee shall certify as  
4 to the correctness of each report and shall bear the  
5 responsibility for its accuracy and veracity. Any treasurer  
6 who willfully certifies to the correctness of a report while  
7 knowing that such report is incorrect, false, or incomplete  
8 commits a misdemeanor of the first degree, punishable as  
9 provided in s. 775.082 or s. 775.083.

10 (5)(a) No committee of continuous existence shall  
11 contribute to any candidate or political committee an amount  
12 in excess of the limits contained in s. 106.08(1) or  
13 participate in any other activity which is prohibited by this  
14 chapter. If any violation occurs, it shall be punishable as  
15 provided in this chapter for the given offense.

16 (b) No funds of a committee of continuous existence  
17 shall be expended on behalf of a candidate, except by means of  
18 a contribution made through the duly appointed campaign  
19 treasurer of a candidate. No such committee shall make  
20 expenditures in support of, or in opposition to, an issue or  
21 an elected public official unless such committee first  
22 registers as a political committee pursuant to this chapter  
23 and undertakes all the practices and procedures required  
24 thereof; provided such committee may make contributions in a  
25 total amount not to exceed 25 percent of its aggregate income,  
26 as reflected in the annual report filed for the previous year,  
27 to one or more political committees registered pursuant to s.  
28 106.03 and formed to support or oppose issues.

29 (6) All accounts and records of a committee of  
30 continuous existence may be inspected under reasonable  
31 circumstances by any authorized representative of the Division

1 of Elections or the Florida Elections Commission. All records  
2 relating to political activities of a committee of continuous  
3 existence, as specified in subsection (5), are public records  
4 and subject to inspection under s. 119.07. The right of  
5 inspection may be enforced by appropriate writ issued by any  
6 court of competent jurisdiction.

7 (7) If a committee of continuous existence ceases to  
8 meet the criteria prescribed by subsection (1), the Division  
9 of Elections shall revoke its certification until such time as  
10 the criteria are again met. The Division of Elections shall  
11 promulgate rules to prescribe the manner in which such  
12 certification shall be revoked. Such rules shall, at a  
13 minimum, provide for:

14 (a) Notice, which shall contain the facts and conduct  
15 that warrant the intended action.

16 (b) Adequate opportunity to respond.

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

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

30 (b) Upon determining that a report is late, the filing  
31 officer shall immediately notify the treasurer of the

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

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

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

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

30 (d) The filing officer shall notify the Florida  
31 Elections Commission of the repeated late filing by a

1 committee of continuous existence, the failure of a committee  
2 of continuous existence to file a report after notice, or the  
3 failure to pay the fine imposed.

4 Section 7. Any political committee or committee of  
5 continuous existence organized before January 1, 2002, shall  
6 have until April 1, 2002, to amend its name, if necessary, to  
7 comply with the requirements of subsection (3) of section  
8 106.03, Florida Statutes, as created by this act, or  
9 subsection (2) of section 106.04, Florida Statutes, as amended  
10 by this act, as applicable.

11 Section 8. Subsection (3) of section 106.07, Florida  
12 Statutes, is amended to read:

13 106.07 Reports; certification and filing.--

14 (3) Reports required of a political committee shall be  
15 filed with the agency or officer before whom such committee  
16 registers pursuant to s. 106.03~~(4)(3)~~ and shall be subject to  
17 the same filing conditions as established for candidates'  
18 reports. Only committees that file with the Department of  
19 State shall file the original and one copy of their reports.  
20 Incomplete reports by political committees shall be treated in  
21 the manner provided for incomplete reports by candidates in  
22 subsection (2).

23 Section 9. Section 106.08, Florida Statutes, is  
24 amended to read:

25 106.08 Contributions; limitations on.--

26 (1)(a) Except for political parties, no person,  
27 political committee, or committee of continuous existence may,  
28 in any election, make contributions in excess of \$500 to any  
29 candidate for election to or retention in office or to any  
30 political committee supporting or opposing one or more  
31 candidates. Candidates for the offices of Governor and

1 Lieutenant Governor on the same ticket are considered a single  
2 candidate for the purpose of this section.

3 (b)1. The contribution limits provided in this  
4 subsection do not apply to contributions made by a state or  
5 county executive committee of a political party regulated by  
6 chapter 103 or to amounts contributed by a candidate to his or  
7 her own campaign.

8 2. Notwithstanding the limits provided in this  
9 subsection, an unemancipated child under the age of 18 years  
10 of age may not make a contribution in excess of \$100 to any  
11 candidate or to any political committee supporting one or more  
12 candidates.

13 (c) The contribution limits of this subsection apply  
14 to each election. For purposes of this subsection, the first  
15 primary, second primary, and general election are separate  
16 elections so long as the candidate is not an unopposed  
17 candidate as defined in s. 106.011(15). However, for the  
18 purpose of contribution limits with respect to candidates for  
19 retention as a justice or judge, there is only one election,  
20 which is the general election. With respect to candidates in a  
21 circuit holding an election for circuit judge or in a county  
22 holding an election for county court judge, there are only two  
23 elections, which are the first primary election and general  
24 election.

25 (2) A person, political committee, or committee of  
26 continuous existence may not make contributions to the state  
27 and county executive committees of a political party,  
28 including any subordinate committee of a state or county  
29 executive committee of a political party, which contributions,  
30 including in-kind contributions, in the aggregate in any  
31 calendar year exceed \$5,000.

1           ~~(3)(2)(a)~~ A candidate may not accept contributions  
2 from national, state, ~~including any subordinate committee of a~~  
3 ~~national, state, or county committee of a political party, and~~  
4 county executive committees of a political party, including  
5 any subordinate committee of a national, state, or county  
6 executive committee of a political party, which contributions,  
7 including in-kind contributions, in the aggregate exceed  
8 \$50,000, no more than \$25,000 of which may be accepted prior  
9 to the 28-day period immediately preceding the date of the  
10 general election.

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

21           (4)(3)(a) Any contribution received by a candidate  
22 with opposition in an election or by the campaign treasurer or  
23 a deputy campaign treasurer of such a candidate on the day of  
24 that election or less than 5 days prior to the day of that  
25 election must be returned by him or her to the person or  
26 committee contributing it and may not be used or expended by  
27 or on behalf of the candidate.

28           (b) Except as otherwise provided in paragraph (c), any  
29 contribution received by a candidate or by the campaign  
30 treasurer or a deputy campaign treasurer of a candidate after  
31 the date at which the candidate withdraws his or her

1 candidacy, or after the date the candidate is defeated,  
2 becomes unopposed, or is elected to office must be returned to  
3 the person or committee contributing it and may not be used or  
4 expended by or on behalf of the candidate.

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

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

14 2. Any contribution received by a candidate or the  
15 campaign treasurer or deputy campaign treasurer of a candidate  
16 after the candidate has been notified in writing by the  
17 department or supervisor that he or she has become unopposed  
18 as a result of an independent or minor party candidate failing  
19 to obtain the required number of petition signatures shall be  
20 returned to the person, political committee, or committee of  
21 continuous existence contributing it and shall not be used or  
22 expended by or on behalf of the candidate.

23 (5)~~(4)~~ Any contribution received by the chair,  
24 campaign treasurer, or deputy campaign treasurer of a  
25 political committee supporting or opposing a candidate with  
26 opposition in an election or supporting or opposing an issue  
27 on the ballot in an election on the day of that election or  
28 less than 5 days prior to the day of that election may not be  
29 obligated or expended by the committee until after the date of  
30 the election.

31

1           ~~(6)(5)~~ A person may not make any contribution through  
2 or in the name of another, directly or indirectly, in any  
3 election. Candidates, political committees, and political  
4 parties may not solicit contributions from or make  
5 contributions to any religious, charitable, civic, or other  
6 causes or organizations established primarily for the public  
7 good. However, it is not a violation of this subsection for a  
8 candidate, political committee, or political party executive  
9 committee to make gifts of money in lieu of flowers in memory  
10 of a deceased person or for a candidate to continue membership  
11 in, or make regular donations from personal or business funds  
12 to, religious, political party, civic, or charitable groups of  
13 which the candidate is a member or to which the candidate has  
14 been a regular donor for more than 6 months. A candidate may  
15 purchase, with campaign funds, tickets, admission to events,  
16 or advertisements from religious, civic, political party, or  
17 charitable groups.

18           ~~(7)(6)~~ A political party may not accept any  
19 contribution which has been specifically designated for the  
20 partial or exclusive use of a particular candidate. Any  
21 contribution so designated must be returned to the contributor  
22 and may not be used or expended by or on behalf of the  
23 candidate.

24           ~~(8)(7)(a)~~ Any person who knowingly and willfully makes  
25 no more than one contribution in violation of subsection (1),  
26 subsection (2), or subsection~~(6)(5)~~, or any person who  
27 knowingly and willfully fails or refuses to return any  
28 contribution as required in subsection~~(4)(3)~~, commits a  
29 misdemeanor of the first degree, punishable as provided in s.  
30 775.082 or s. 775.083. If any corporation, partnership, or  
31 other business entity or any political party, political



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

15 (b) Any person who knowingly and willfully makes two  
16 or more contributions in violation of subsection (1),  
17 subsection (2), or subsection(6), or any combination thereof,  
18 ~~(5)~~ commits a felony of the third degree, punishable as  
19 provided in s. 775.082, s. 775.083, or s. 775.084. If any  
20 corporation, partnership, or other business entity or any  
21 political party, political committee, or committee of  
22 continuous existence is convicted of knowingly and willfully  
23 violating any provision punishable under this paragraph, it  
24 shall be fined not less than \$10,000 and not more than  
25 \$50,000. If it is a domestic entity, it may be ordered  
26 dissolved by a court of competent jurisdiction; if it is a  
27 foreign or nonresident business entity, its right to do  
28 business in this state may be forfeited. Any officer,  
29 partner, agent, attorney, or other representative of a  
30 corporation, partnership, or other business entity, or of a  
31 political committee, committee of continuous existence, or

1 political party who aids, abets, advises, or participates in a  
2 violation of any provision punishable under this paragraph  
3 commits a felony of the third degree, punishable as provided  
4 in s. 775.082, s. 775.083, or s. 775.084.

5 (9)~~(8)~~ Except when otherwise provided in subsection  
6 (8)~~(7)~~, any person who knowingly and willfully violates any  
7 provision of this section shall, in addition to any other  
8 penalty prescribed by this chapter, pay to the state a sum  
9 equal to twice the amount contributed in violation of this  
10 chapter. Each campaign treasurer shall pay all amounts  
11 contributed in violation of this section to the state for  
12 deposit in the General Revenue Fund.

13 (10)~~(9)~~ This section does not apply to the transfer of  
14 funds between a primary campaign depository and a savings  
15 account or certificate of deposit or to any interest earned on  
16 such account or certificate.

17 Section 10. For the purpose of incorporating the  
18 amendment to section 106.08, Florida Statutes, in a reference  
19 thereto, paragraph (a) of subsection (1) of section 106.19,  
20 Florida Statutes, is reenacted to read:

21 106.19 Violations by candidates, persons connected  
22 with campaigns, and political committees.--

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

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

31

1 is guilty of a misdemeanor of the first degree, punishable as  
2 provided in s. 775.082 or s. 775.083.

3 Section 11. Section 106.087, Florida Statutes, is  
4 amended to read:

5 106.087 Independent expenditures; contribution limits;  
6 restrictions on political parties, ~~political committees, and~~  
7 ~~committees of continuous existence.--~~

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

17

18 State of Florida

19 County of....

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

1 executive committee will not violate the contribution limits  
2 applicable to candidates under s. 106.08(3)~~(2)~~, Florida  
3 Statutes.

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

6  
7 Sworn to and subscribed before me this .... day of .....,  
8 ...(year)..., at .... County, Florida.

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

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

(2)~~(b)~~ Any executive committee found to have violated  
the provisions of the oath or affirmation in this section  
prior to receiving funds shall be ineligible to receive the  
rebate for that general election year.

(3)~~(c)~~ Any executive committee found to have violated  
the provisions of the oath or affirmation in this section  
after receiving funds shall be ineligible to receive the  
rebate from candidates qualifying for the following general  
election cycle.

(4)~~(d)~~ Any funds not distributed to the state or  
county executive committee pursuant to this section shall be  
deposited into the General Revenue Fund of the state.

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

~~(b) Any political committee or committee of continuous  
existence that violates this subsection is liable for a civil~~

1 ~~fine of up to \$5,000 to be determined by the Florida Elections~~  
2 ~~Commission or the entire amount of the expenditures, whichever~~  
3 ~~is greater.~~

4 Section 12. Subsection (6) of section 106.29, Florida  
5 Statutes, is amended to read:

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

8 (6)(a) The national, state, and county executive  
9 committees of a political party, including any subordinate  
10 committee of a national, state, or county executive committee  
11 of a political party, may not contribute to any candidate any  
12 amount in excess of the limits contained in s. 106.08~~(3)(2)~~,  
13 ~~and all contributions required to be reported under s.~~  
14 ~~106.08(2) by the national executive committee of a political~~  
15 ~~party shall be reported by the state executive committee of~~  
16 ~~that political party.~~

17 (b) A violation of the contribution limits contained  
18 in s. 106.08~~(3)(2)~~ is a misdemeanor of the first degree,  
19 punishable as provided in s. 775.082 or s. 775.083. A civil  
20 penalty equal to three times the amount in excess of the  
21 limits contained in s. 106.08~~(3)(2)~~ shall be assessed against  
22 any executive committee found in violation thereof.

23 Section 13. Section 106.291, Florida Statutes, is  
24 created to read:

25 106.291 Additional reports required of political  
26 parties for certain contributions received during legislative  
27 sessions; posting of reports on Internet.--In addition to all  
28 other reporting requirements under this chapter, a state or  
29 county executive committee, including any subordinate  
30 committee of a state or county executive committee of a  
31 political party, shall submit a report to the division of any

1 contribution of \$1,000 or more which is received during any  
2 regular, extended, or special session of the Legislature.  
3 Such report shall be submitted on the day after the day of  
4 receipt of such contribution; however, such contributions  
5 received on a Friday, Saturday, or Sunday may be reported the  
6 immediately following Monday. Such reports must include the  
7 name of each contributor and the amount of the contribution.  
8 On the day after receipt of such a report, the division shall  
9 post it on the Internet. The division shall provide for  
10 multiple methods for submitting such reports and may not limit  
11 submission to e-mail. Upon determining that a report is late,  
12 the division shall immediately notify the chair of the  
13 executive committee as to the failure to file a report by the  
14 designated due date and that a fine is being assessed for each  
15 late day. The fine shall be \$50 per day for each late day,  
16 not to exceed 25 percent of the total receipts, whichever is  
17 greater, for the period covered by the late report.

18       Section 14. If any provision of this act or the  
19 application thereof to any person or circumstance is held  
20 invalid, the invalidity shall not affect other provisions or  
21 applications of the act which can be given effect without the  
22 invalid provision or application, and to this end the  
23 provisions of this act are declared severable.

24       Section 15. Except as otherwise expressly provided in  
25 this act, this act shall take effect January 1, 2002.  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

LEGISLATIVE SUMMARY

Creates the "Marjorie Turnbull Campaign Finance Reform Act." Revises definitions of the terms "political committee," "contribution," "expenditure," and "political advertisement." Eliminates a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates. Provides additional requirements for registration of political committees and certification of committees of continuous existence, which relate to the principal employer of certain officials and to the committee name. Requires committees of continuous existence to update certain certification information. Requires an up-to-date membership list with the application for certification and with each annual and regular report and specifies the information membership lists must provide. Requires membership dues to be reported in the same manner as regular contributions. Prohibits committees of continuous existence from making expenditures in support of or opposition to an elected public official without registering as a political committee. Provides that records of a committee of continuous existence relating to political activities are public records. Revises the fine for late filing of reports by committees of continuous existence. Provides limits on contributions to a political party. Revises a provision relating to restrictions on contributions to a candidate by a political party. Eliminates a provision that prohibits certain political committees and committees of continuous existence from making independent expenditures in support of or opposition to a candidate or elected public official. Requires subordinate and executive committees of a political party to adhere to contribution limits for political parties. Requires state and county executive committees, including subordinate committees thereof, to report to the Division of Elections certain contributions received while the Legislature is in regular, extended, or special session. Provides for the posting of such reports on the Internet. Provides reporting requirements and a fine for late filing. (See bill for details.)