

By Representative Frankel

1 A bill to be entitled
2 An act relating to reporting requirements under
3 the Florida Election Code; amending s. 106.011,
4 F.S.; modifying the definitions of "political
5 committee" and "communications media"; amending
6 s. 106.021, F.S.; requiring a political
7 committee or political party to report
8 expenditures made for obtaining time, space, or
9 services in or by any communications medium for
10 the purpose of jointly endorsing three or more
11 candidates; amending s. 106.03, F.S.; requiring
12 additional information for registration of
13 political committees; amending s. 106.04, F.S.;
14 requiring additional information for
15 certification of committees of continuous
16 existence; revising reporting periods and
17 requirements; requiring electronic filing under
18 certain circumstances; requiring membership
19 dues of committees of continuous existence to
20 be reported in the same manner as regular
21 contributions; removing requirement to provide
22 a membership list for inspection purposes;
23 removing requirement for filing duplicate
24 copies of reports; providing penalties;
25 amending s. 106.07, F.S., relating to campaign
26 treasurer's reports; revising reporting periods
27 and requirements; removing requirement for
28 duplicate reports; providing penalties;
29 creating s. 106.0705, F.S.; requiring campaign
30 treasurer's reports that are to be filed with
31 the Division of Elections to be filed

1 electronically when aggregate contributions or
2 expenditures exceed a specified amount;
3 providing filing requirements; providing
4 penalties; providing rulemaking authority;
5 amending s. 106.071, F.S.; revising provisions
6 relating to the reporting of certain
7 independent expenditures; providing penalties;
8 creating s. 106.073, F.S.; requiring certain
9 persons and organizations that sponsor
10 campaign-related advertisements to register
11 under certain circumstances; providing
12 definitions; requiring certain reports;
13 providing requirements for such advertisements,
14 including a disclaimer; providing penalties;
15 providing rulemaking authority; creating s.
16 106.077, F.S.; requiring persons having
17 contracts with the state above a certain amount
18 to report certain campaign contributions;
19 providing penalties; amending s. 106.12, F.S.;
20 revising the petty cash fund limit to conform
21 to the revised reporting periods; amending s.
22 106.29, F.S., relating to reports by political
23 parties; requiring electronic filing under
24 certain circumstances; removing requirement for
25 duplicate reports; providing penalties;
26 amending ss. 105.08, 106.025, 106.08, and
27 106.18, F.S., relating to reporting
28 requirements applicable to candidates for
29 retention to judicial office, campaign fund
30 raisers held on behalf of a political party by
31 its state or county executive committee,

1 nonallocable, in-kind contributions by
2 candidates and political parties, and the
3 granting of certificates of election, to
4 conform; providing severability; providing
5 effective dates.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Effective upon this act becoming a law,
10 subsections (1) and (13) of section 106.011, Florida Statutes,
11 are amended to read:

12 106.011 Definitions.--As used in this chapter, the
13 following terms have the following meanings unless the context
14 clearly indicates otherwise:

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

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

19 a. Accepts contributions for the purpose of making
20 contributions to any candidate, political committee, committee
21 of continuous existence, or political party;

22 b. Accepts contributions for the purpose of expressly
23 advocating the election or defeat of a candidate or the
24 passage or defeat of an issue;

25 c. Makes expenditures for the purpose of expressly
26 advocating the election or defeat of a candidate or the
27 passage or defeat of an issue; or

28 d. Makes contributions to a common fund, other than a
29 joint checking account between spouses, from which
30 contributions are made to any candidate, political committee,
31 committee of continuous existence, or political party.~~the~~

1 ~~primary or incidental purpose of which is to support or oppose~~
2 ~~any candidate, issue, or political party, which accepts~~
3 ~~contributions or makes expenditures during a calendar year in~~
4 ~~an aggregate amount in excess of \$500; "political committee"~~
5 ~~also means~~

6 2. The sponsor of a proposed constitutional amendment
7 by initiative who intends to seek the signatures of registered
8 electors.

9 (b) Notwithstanding paragraph (a), the following
10 entities shall not be considered political committees for
11 purposes of this chapter:

12 1. Organizations which are certified by the Department
13 of State as committees of continuous existence pursuant to s.
14 106.04, national political parties, and the state and county
15 executive committees of political parties regulated by chapter
16 103 ~~shall not be considered political committees for the~~
17 ~~purposes of this chapter.~~

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

26 (13) "Communications media" means broadcasting
27 stations, newspapers, magazines, outdoor advertising
28 facilities, printers, direct mailing companies, advertising
29 agencies, the Internet, and telephone companies; but with
30 respect to telephones, an expenditure shall be deemed to be an
31 expenditure for the use of communications media only if made

1 for the costs of telephones, paid telephonists, or automatic
2 telephone equipment to be used by a candidate or a political
3 committee to communicate with potential voters but excluding
4 any costs of telephones incurred by a volunteer for use of
5 telephones by such volunteer.

6 Section 2. Subsection (3) of section 106.021, Florida
7 Statutes, is amended to read:

8 106.021 Campaign treasurers; deputies; primary and
9 secondary depositories.--

10 (3) Except for independent expenditures, no
11 contribution or expenditure, including contributions or
12 expenditures of a candidate or of the candidate's family,
13 shall be directly or indirectly made or received in
14 furtherance of the candidacy of any person for nomination or
15 election to political office in the state or on behalf of any
16 political committee except through the duly appointed campaign
17 treasurer of the candidate or political committee. However,
18 expenditures may be made directly by any political committee
19 or political party regulated by chapter 103 for obtaining
20 time, space, or services in or by any communications medium
21 for the purpose of jointly endorsing three or more candidates,
22 and any such expenditure shall not be considered a
23 contribution or expenditure to or on behalf of any such
24 candidates, but shall be reported as an expenditure by the
25 political committee or political party, for the purposes of
26 this chapter. The report for such endorsement shall be a
27 separate report filed electronically or on forms prescribed by
28 the division containing the total amount and date of the
29 expenditure, on what the expenditure is made, to whom the
30 expenditure is made, and the candidates for whom the
31 expenditure is made. The political committee or political

1 party may report how the time, space, or services were
2 apportioned among the candidates and the amount of the
3 expenditure allocated to each candidate.

4 Section 3. Subsection (2) of section 106.03, Florida
5 Statutes, is amended to read:

6 106.03 Registration of political committees.--

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 (1) 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 Section 4. Subsections (2) and (4) of section 106.04,
7 Florida Statutes, are amended to read:

8 106.04 Committees of continuous existence.--

9 (2) Any group, organization, association, or other
10 entity may seek certification from the Department of State as
11 a committee of continuous existence by filing an application
12 with the Division of Elections on a form provided by the
13 division. Such application shall provide the information
14 required of political committees by s. 106.03(2). Each
15 application shall be accompanied by the name and street
16 address of the principal officer of the applying entity as of
17 the date of the application; a copy of the charter or bylaws
18 of the organization; a copy of the dues or assessment schedule
19 of the organization, or formula by which dues or assessments
20 are levied; and a complete financial statement or annual audit
21 summarizing all income received, and all expenses incurred, by
22 the organization during the 12 months preceding the date of
23 application. ~~A membership list shall be made available for
24 inspection if deemed necessary by the division.~~

25 (4)(a) Each committee of continuous existence shall
26 file an annual report with the Division of Elections during
27 the month of January. Such annual reports shall contain the
28 same information and shall be accompanied by the same
29 materials as original applications filed pursuant to
30 subsection (2). However, the charter or bylaws need not be
31 filed if the annual report is accompanied by a sworn statement

1 by the chair that no changes have been made to such charter or
2 bylaws since the last filing.

3 (b)1. Each committee of continuous existence shall
4 file regular reports with the Division of Elections at the
5 same times and subject to the same filing conditions as are
6 established by s. 106.07~~(1) and (2)~~for ~~candidates' reports~~
7 required of political committees or as otherwise required by
8 s. 106.0705.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 Section 5. Subsections (1), (2), and (3) of section
12 106.07, Florida Statutes, are amended to read:

13 106.07 Reports; certification and filing.--

14 (1)(a) Each campaign treasurer designated by a
15 candidate ~~or political committee pursuant to s. 106.021~~ shall
16 file regular reports of all contributions received, and all
17 expenditures made, by or on behalf of such candidate ~~or~~
18 ~~political committee~~. Reports shall be filed on the 10th day
19 following the end of each calendar quarter from the time the
20 campaign treasurer is appointed, except that, if the 10th day
21 following the end of a calendar quarter occurs on a Saturday,
22 Sunday, or legal holiday, the report shall be filed on the
23 next following day which is not a Saturday, Sunday, or legal
24 holiday. ~~Quarterly reports shall include all contributions~~
25 ~~received and expenditures made during the calendar quarter~~
26 ~~which have not otherwise been reported pursuant to this~~
27 ~~section.~~

28 1.(a) Except as provided in subparagraph 2.~~paragraph~~
29 ~~(b)~~, following the last day of qualifying for office, the
30 reports shall be filed on the 32nd, 18th, and 4th days
31 immediately preceding the first primary and on the 18th and

1 4th days immediately preceding the second primary and general
2 election, for a candidate who is opposed in seeking nomination
3 or election to any office, ~~for a political committee, or for a~~
4 ~~committee of continuous existence.~~

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

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

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

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

31

1 (b) Each campaign treasurer designated by a political
2 committee pursuant to s. 106.021 shall file regular reports of
3 all contributions received, and all expenditures made, by or
4 on behalf of such political committee in accordance with the
5 deadlines and requirements set forth below:

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

14 2. Following the last day of qualifying for office,
15 the reporting period shall be weekly, beginning on Friday and
16 ending on the ensuing Thursday. Weekly reports shall be filed
17 on the second business day after the Thursday of each week,
18 except that the last report shall be filed on the Friday
19 immediately preceding the general election.

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

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

30 (2)(a) All reports required of a candidate by this
31 section shall be filed with the officer before whom the

1 candidate is required by law to qualify. ~~All candidates who~~
2 ~~file with the Department of State shall file the original and~~
3 ~~one copy of their reports.~~ In addition, ~~a copy of~~ each report
4 for candidates for other than statewide office who qualify
5 with the Department of State shall be filed with the
6 supervisor of elections in the county where the candidate
7 resides. Reports shall be filed not later than 5 p.m. of the
8 day designated; however, any report postmarked by the United
9 States Postal Service no later than midnight of the day
10 designated shall be deemed to have been filed in a timely
11 manner. A certificate of mailing obtained from and dated by
12 the United States Postal Service at the time of mailing, or a
13 receipt from an established courier company, which bears a
14 date on or before the date on which the report is due, shall
15 be proof of mailing in a timely manner. Reports shall contain
16 information of all previously unreported contributions
17 received and expenditures made as of the preceding Friday,
18 except that the report filed on the Friday immediately
19 preceding the election shall contain information of all
20 previously unreported contributions received and expenditures
21 made as of the day preceding that designated due date. All
22 such reports shall be open to public inspection.

23 (b)1. Any report which is deemed to be incomplete by
24 the officer with whom the candidate qualifies shall be
25 accepted on a conditional basis, and the campaign treasurer
26 shall be notified by registered mail as to why the report is
27 incomplete and be given 3 days from receipt of such notice to
28 file an addendum to the report providing all information
29 necessary to complete the report in compliance with this
30 section. Failure to file a complete report after such notice
31 constitutes a violation of this chapter.

1 2. In lieu of the notice by registered mail as
2 required in subparagraph 1., the qualifying officer may notify
3 the campaign treasurer by telephone that the report is
4 incomplete and request the information necessary to complete
5 the report. If, however, such information is not received by
6 the qualifying officer within 3 days of the telephone request
7 therefor, notice shall be sent by registered mail as provided
8 in subparagraph 1.

9 (3) Reports required of a political committee shall be
10 filed with the agency or officer before whom such committee
11 registers pursuant to s. 106.03(3) and, except for the filing
12 due dates established in paragraph (1)(b), shall be subject to
13 the same filing conditions as established for candidates'
14 reports under this section or as otherwise required by s.
15 106.0705. ~~Only committees that file with the Department of~~
16 ~~State shall file the original and one copy of their reports.~~
17 Incomplete reports by political committees shall be treated in
18 the manner provided for incomplete reports by candidates in
19 subsection (2).

20 (5) The candidate and his or her campaign treasurer,
21 in the case of a candidate, or the political committee chair
22 and campaign treasurer of the committee, in the case of a
23 political committee, shall certify as to the correctness of
24 each report; and each person so certifying shall bear the
25 responsibility for the accuracy and veracity of each report.
26 Any campaign treasurer, candidate, or political committee
27 chair who willfully certifies the correctness of any report
28 while knowing that such report is incorrect, false, or
29 incomplete commits a misdemeanor of the first degree,
30 punishable as provided in s. 775.082 or s. 775.083.

31

1 (8)(a) Any candidate or political committee failing to
2 file a report on the designated due date shall be subject to a
3 fine as provided in paragraph (b) for each late day, and, in
4 the case of a candidate, such fine shall be paid only from
5 personal funds of the candidate. The fine shall be assessed
6 by the filing officer and the moneys collected shall be
7 deposited:

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

11 2. In the general revenue fund of the political
12 subdivision, in the case of a candidate for an office of a
13 political subdivision or a political committee that registers
14 with an officer of a political subdivision.

15
16 No separate fine shall be assessed for failure to file a copy
17 of any report required by this section.

18 (b) Upon determining that a report is late, the filing
19 officer shall immediately notify the candidate or chair of the
20 political committee as to the failure to file a report by the
21 designated due date and that a fine is being assessed for each
22 late day. The fine shall be \$50 per day for the first 3 days
23 late and, thereafter, \$500 per day for each late day, not to
24 exceed 25 percent of the total receipts or expenditures,
25 whichever is greater, for the period covered by the late
26 report. However, for the reports immediately preceding each
27 primary and general election, the fine shall be \$500 per day
28 for each late day, not to exceed 25 percent of the total
29 receipts or expenditures, whichever if greater, for the period
30 covered by the late report. Upon receipt of the report, the
31 filing officer shall determine the amount of the fine which is

1 due and shall notify the candidate or chair. The filing
2 officer shall determine the amount of the fine due based upon
3 the earliest of the following:

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

10

11 Such fine shall be paid to the filing officer within 20 days
12 after receipt of the notice of payment due, unless appeal is
13 made to the Florida Elections Commission pursuant to paragraph
14 (c). In the case of a candidate, such fine shall not be an
15 allowable campaign expenditure and shall be paid only from
16 personal funds of the candidate. An officer or member of a
17 political committee shall not be personally liable for such
18 fine.

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

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

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

4 Section 6. Section 106.0705, Florida Statutes, is
5 created to read:

6 106.0705 Electronic filing of campaign treasurer's
7 reports.--

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

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

20 (c) Reports required to be filed pursuant to s.
21 106.04, s. 106.07, or s. 106.29 that are not subject to the
22 electronic filing provisions of this section may be on forms
23 provided by the division.

24 (2)(a) Except as provided in paragraph (b), reports
25 filed pursuant to this section shall be filed not later than 5
26 p.m. of the day designated. Reports not received by 5 p.m. of
27 the day designated as required are late filed and are subject
28 to the penalties provided in s. 106.04(8), s. 106.07(8), or s.
29 106.29(3), as applicable.

30 (b) Statewide candidates who have requested to receive
31 contributions under the provisions of the Florida Election

1 Campaign Financing Act and statewide candidates in races with
2 candidates who have requested to receive contributions under
3 such act shall file their last reports not later than noon on
4 the Friday immediately preceding the general election. Reports
5 not received by noon of that day as required are late filed
6 and are subject to the penalties provided in s. 106.07(8).

7 (3) Each report filed pursuant to this section is
8 considered to be under oath by the person filing the report,
9 and such person is subject to the provisions of s.
10 106.04(4)(d), s. 106.07(5), or s. 106.29(2), as applicable.

11 (4) The division shall adopt rules pursuant to ss.
12 120.536(1) and 120.54 to administer this section, to provide
13 for the reports required to be filed pursuant to this section,
14 and to provide that:

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

17 (b) The electronic filing system be accessible by
18 anyone with Internet access using standard web-browsing
19 software.

20 (c) The electronic filing system provide for direct
21 entry of campaign finance information as well as download of
22 such information from campaign finance software certified by
23 the division.

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

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

28 (f) The division issue an electronic receipt to the
29 person submitting the report indicating and verifying that the
30 report has been filed and received.

31

1 Section 7. Section 106.071, Florida Statutes, is
2 amended to read:

3 106.071 Independent expenditures; reports;
4 disclaimers.--

5 (1)(a) Each person who makes an independent
6 expenditure with respect to any candidate or issue, which
7 expenditure, in the aggregate, is in the amount of \$100 or
8 more, shall file periodic reports of such expenditures ~~in the~~
9 ~~same manner,~~at the same time, and with the same officer as a
10 political committee supporting or opposing such candidate or
11 issue. The report shall contain the full name and address of
12 each person to whom and for whom each such expenditure has
13 been made; the amount, date, and purpose of each such
14 expenditure; a description of the services or goods obtained
15 by each such expenditure; and the name and address of, and
16 office sought by, each candidate on whose behalf such
17 expenditure was made.

18 (b) Notwithstanding paragraph (a), each person who
19 makes an independent expenditure with respect to any
20 candidate, which expenditure, in the aggregate, is in excess
21 of \$1,000 and is made at any point during the period following
22 the last day of qualifying for that candidacy through the
23 ensuing general election, must report the expenditure by hand
24 or mail delivered or postmarked within 24 hours after
25 publication with the qualifying officer of the candidate
26 supported or opposed by the expenditure. However, any
27 political advertisement paid for by an independent expenditure
28 published on the day of an election must be reported on that
29 day to the qualifying officer by hand delivery or facsimile
30 transmission. The report shall contain the same information
31 as is required of reports under paragraph (a).

1 (c) Each report required under this subsection shall
2 be signed by the person submitting the report and certified as
3 true and correct, subject to the conditions and penalties
4 prescribed in s. 106.07(5). Any person failing to file a
5 report on the designated due date shall be subject to a fine
6 as provided in s. 106.07(8) for submitting late reports.

7 (2)(a) Any political advertisement paid for by an
8 independent expenditure shall prominently state "Paid
9 political advertisement paid for by ...(Name of person or
10 committee paying for advertisement)... independently of any
11 ...(candidate or committee)...," and shall contain the name
12 and address of the person paying for the political
13 advertisement.

14 (b)(2) Any person who fails to include the disclaimer
15 prescribed in paragraph (a) subsection (1) in any political
16 advertisement which is required to contain such disclaimer
17 commits is guilty of a misdemeanor of the first degree,
18 punishable as provided in s. 775.082 or s. 775.083.

19 (3) No person may make a contribution in excess of
20 \$1,000 to any other person, to be used by such other person to
21 make an independent expenditure.

22 Section 8. Section 106.073, Florida Statutes, is
23 created to read:

24 106.073 Campaign-related advertisements; registration;
25 reports; disclaimers.--

26 (1) For purposes of this section, the term:

27 (a) "Campaign-related advertisement" means a paid
28 expression in any communications media described in s.
29 106.011(13), whether radio, television, newspaper, magazine,
30 periodical, campaign literature, direct mail, the Internet, or
31 display; or by means other than the spoken word in direct

1 conversation, which does not specifically support or oppose
2 any candidate, elected public official, or issue, but which
3 does substantially mention or show a clearly identifiable
4 candidate for election or reelection, is distributed at any
5 point during the period following the last day of qualifying
6 for that candidacy through the ensuing general election, and
7 is distributed within the geographic location represented by
8 the office sought by the candidate mentioned or shown and
9 which, when examined by a reasonable person, would be
10 understood as, and is therefore presumed to be, a
11 communication made for the purpose of influencing the results
12 of an election on that candidacy during that period, and for
13 which aggregate expenditures on like advertisements exceed
14 \$1,000 for an organization other than an individual and \$5,000
15 for an individual. However, "campaign-related advertisement"
16 does not include editorial endorsements by any newspaper,
17 radio or television station, or other recognized news medium.

18 (b) "Organization" means a person as defined in s.
19 106.011(8), any organization recognized under s. 501(c) of the
20 Internal Revenue Code, or any political organization
21 recognized under s. 527 of the Internal Revenue Code.

22 (2) Any organization that engages in campaign-related
23 advertising must register with the filing officer with whom
24 the candidate mentioned or shown has qualified within 24 hours
25 after publication of any campaign-related advertisement it has
26 sponsored. Such organization shall provide the information
27 required of political committees under s. 106.03(2) and shall
28 also file a complete financial statement summarizing all
29 income received, and all expenses incurred, by the
30 organization since the end of its last completed fiscal year.

31

1 (3)(a) An organization registered under this section
2 shall file regular reports with the filing officer of all
3 funds received at the same times, subject to the same filing
4 conditions, and providing the same information as is required
5 by s. 106.07 for reports required of political committees.

6 (b) Any organization registered or required to
7 register under this section shall file a report of each
8 campaign-related advertisement within 24 hours after initial
9 publication thereof, or upon any change of information
10 required by such report, with the filing officer. However,
11 for any campaign-related advertisement published on the day of
12 an election, the report shall be filed on that day. The
13 report shall contain the full name and address of each person
14 to whom payment for the advertisement has been made or
15 obligated; the date and purpose of such advertisement; a
16 description of the advertisement; and the name and address of,
17 and office sought by, each candidate mentioned or shown in the
18 advertisement.

19 (c) Each report required under this subsection shall
20 be signed by the person submitting the report on behalf of the
21 organization and certified as true and correct, subject to the
22 conditions and penalties prescribed in s. 106.07(5). Any
23 organization failing to file a report on the designated due
24 date shall be subject to a fine as provided in s. 106.07(8)
25 for submitting late reports.

26 (4)(a) Any campaign-related advertisement paid for by
27 an organization registered or required to register under this
28 section shall prominently state "Paid campaign-related
29 advertisement paid for by ...(insert name of organization
30 paying for advertisement)... and not paid for or authorized by
31 ...(insert name of candidate mentioned or shown)...," and

1 shall contain the name and address of the organization paying
2 for the campaign-related advertisement. However, any
3 campaign-related advertisement made by means of a telephone
4 call must state either "Paid for by ...(insert name of
5 organization sponsoring the call)..." or "Paid for on behalf
6 of ...(insert name of organization authorizing call)...."

7 (b) The person responsible for submitting reports on
8 behalf of an organization registered or required to register
9 under this section shall be responsible for including the
10 disclaimer required under paragraph (a). Any such person who
11 willfully fails to include the disclaimer in any
12 campaign-related advertisement which is required to contain
13 such disclaimer shall be liable for a civil fine of up to
14 \$5,000 to be determined by the Florida Elections Commission or
15 the entire amount of the expenditure, whichever is greater.

16 (5) The division may adopt rules pursuant to ss.
17 120.536(1) and 120.54 to implement the provisions of this
18 section.

19 Section 9. Section 106.077, Florida Statutes, is
20 created to read:

21 106.077 Reports by persons having contracts with the
22 state.--

23 (1) Any person receiving a contract with the state in
24 an amount of \$100,000 or more must, within 10 days after the
25 contract is signed, file with the Division of Elections a
26 report listing all contributions of \$10,000 or more, in the
27 aggregate, which the person has made to any committee of
28 continuous existence or political party since January 1st of
29 the year of the last general election. If the person is a
30 business entity, the report must include the names of the
31 entity's directors and principal officers and any

1 contributions by these individuals over the same period, which
2 shall be included in the contributions made by the entity for
3 purposes of establishing the aggregate total required for
4 reporting under this section.

5 (2) During the term of the contract, each person
6 required to file under subsection (1) must also file reports
7 on a semiannual basis with the Division of Elections of all
8 contributions of \$10,000 or more, in the aggregate in a
9 calendar year, to any committee of continuous existence or
10 political party during the reporting period. If the person is
11 a business entity, the report must include the names of the
12 entity's directors and principal officers and any
13 contributions by these individuals over the reporting period,
14 which shall be included in the contributions made by the
15 entity for purposes of establishing the aggregate total
16 required for reporting under this section. Reports covering
17 the period of January 1 through June 30 must be filed by July
18 15 of that year. Reports covering the period of July 1 through
19 December 31 must be filed by January 15 of the ensuing year.

20 (3) Each report required by this section shall
21 include:

22 (a) The name and address of the person, and, if the
23 person is a business entity, the names and addresses of the
24 entity's directors and officers, making the contribution;

25 (b) The identity of the contract held with the state;

26 (c) The name and address of each committee of
27 continuous existence or political party to which a
28 contribution is made; and

29 (d) The amount and date of the contribution.

30 (4) Each report required under this section shall be
31 signed and certified as true and correct by the individual

1 submitting the report on behalf of the person required to
2 file, subject to the conditions and penalties prescribed in s.
3 106.07(5). Any person failing to file a report on the
4 designated due date shall be subject to a fine as provided in
5 s. 106.07(8) for submitting late reports.

6 Section 10. Subsection (1) of section 106.12, Florida
7 Statutes, is amended to read:

8 106.12 Petty cash funds allowed.--

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

17 Section 11. Subsection (1) of section 106.29, Florida
18 Statutes, is amended to read:

19 106.29 Reports by political parties; restrictions on
20 contributions and expenditures; penalties.--

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

1 election, except as otherwise provided by s. 106.0705. ~~Each~~
2 ~~state executive committee shall file the original and one copy~~
3 ~~of its reports with the Division of Elections.~~ Each county
4 executive committee shall file its reports with the supervisor
5 of elections in the county in which such committee exists.
6 Any state or county executive committee failing to file a
7 report on the designated due date shall be subject to a fine
8 as provided in subsection (3). No separate fine shall be
9 assessed for failure to file a copy of any report required by
10 this section.

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

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

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

1 the late report. However, if an executive committee fails to
2 file a report on the Friday immediately preceding the general
3 election, the fine shall be \$10,000 per day for each day a
4 state executive committee is late and \$500 per day for each
5 day a county executive committee is late. Upon receipt of the
6 report, the filing officer shall determine the amount of the
7 fine which is due and shall notify the chair. The filing
8 officer shall determine the amount of the fine due based upon
9 the earliest of the following:

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

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

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

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

6 Section 12. Subsection (2) of section 105.08, Florida
7 Statutes, is amended to read:

8 105.08 Campaign contribution and expense; reporting.--

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

25 Section 13. Subsection (2) of section 106.025, Florida
26 Statutes, is amended to read:

27 106.025 Campaign fund raisers.--

28 (2) This section shall not apply to any campaign fund
29 raiser held on behalf of a political party by the state or
30 county executive committee of such party, provided that the
31

1 proceeds of such campaign fund raiser are reported pursuant to
2 s. 106.29 or s. 106.0705.

3 Section 14. Paragraph (b) of subsection (2) of section
4 106.08, Florida Statutes, is amended to read:

5 106.08 Contributions; limitations on.--

6 (2)

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

18 Section 15. Subsection (3) of section 106.18, Florida
19 Statutes, is amended to read:

20 106.18 When a candidate's name to be omitted from
21 ballot.--

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

28 Section 16. If any provision of this act or the
29 application thereof to any person or circumstance is held
30 invalid, the invalidity shall not affect other provisions or
31 applications of the act which can be given effect without the

1 invalid provision or application, and to this end the
2 provisions of this act are declared severable.

3 Section 17. Except as otherwise provided herein, this
4 act shall take effect October 1, 2001.

5
6 *****

7 HOUSE SUMMARY

8
9 Amends various reporting requirements under the Florida
10 Election Code. Modifies the definitions of "political
11 committee" and "communications media." Requires a
12 political committee or political party to report
13 expenditures made for obtaining time, space, or services
14 in or by any communications medium for the purpose of
15 jointly endorsing three or more candidates. Requires
16 additional information for registration of political
17 committees and certification of committees of continuous
18 existence. Requires membership dues of committees of
19 continuous existence to be reported in the same manner as
20 regular contributions. Removes requirement of committees
21 of continuous existence to provide a membership list for
22 inspection purposes. Removes requirement for filing
23 duplicate copies of reports. Revises reporting periods
24 for political committees and committees of continuous
25 existence. Requires reports that are to be filed with
26 the Division of Elections to be filed electronically when
27 aggregate contributions or expenditures exceed a
28 specified amount. Revises provisions relating to the
29 reporting of certain independent expenditures. Requires
30 certain persons and organizations that sponsor issue
31 advertisements to register under certain circumstances
and to submit regular contribution and expenditure
reports. Provides requirements for such advertisements,
including a disclaimer. Requires persons having
contracts with the state above a certain amount to report
campaign contributions made over a specified period.
Revises the petty cash fund limit to conform to the
revised reporting periods. See bill for details.