

By Senator Villalobos

37-1163-01

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           98.015, F.S.; requiring supervisors of  
4           elections to report to the Florida Elections  
5           Commission and the state attorney violations of  
6           the Florida Election Code; amending s. 102.155,  
7           F.S.; requiring a candidate to pay fines owed  
8           for violation of ch. 106, F.S., before the  
9           filing officer issues a certificate of  
10          election; amending s. 104.011, F.S.; prohibits  
11          a person from falsely swearing to an oath  
12          required by the code; amending s. 104.42, F.S.;  
13          requiring a supervisor of elections to  
14          investigate fraudulent registration and illegal  
15          voting; amending s. 106.011, F.S.; defining  
16          terms; amending s. 106.021, F.S.; prohibiting  
17          candidates from acting as their own campaign  
18          treasurer or deputy treasurer under certain  
19          conditions; amending s. 106.023, F.S.;  
20          modifying the Statement of Candidate form;  
21          amending s. 106.04, F.S.; requiring committees  
22          of continuous existence to inform the Division  
23          of Elections when there are changes in  
24          necessary qualifying criteria; amending s.  
25          106.055, F.S.; requiring candidates to estimate  
26          and report fair market value of goods or  
27          services received; amending s. 106.06, F.S.;  
28          requiring a treasurer to provide campaign  
29          records to a candidate within a specified time;  
30          requiring a candidate to keep such records for  
31          a specified time; providing a fine; amending s.

1 106.07, F.S.; making a candidate responsible  
2 for filing campaign reports; providing a  
3 limitation on reimbursed expenses; requiring  
4 the reporting of names of persons supplying  
5 communications media services; amending s.  
6 106.071, F.S.; requiring independent political  
7 advertisements to contain names of persons  
8 paying for the advertisements; providing a  
9 penalty for making a false disclaimer in an  
10 independent political advertisement; amending  
11 s. 106.08, F.S.; clarifying requirements for  
12 contributing and soliciting charitable  
13 contributions; amending s. 106.09, F.S.;  
14 limiting cash and money order contributions;  
15 amending s. 106.11, F.S.; providing for payment  
16 by campaign funds for items obligated before a  
17 candidate was elected, became unopposed, or was  
18 eliminated only if the obligation was made in  
19 writing; amending s. 106.12, F.S.; specifying  
20 uses for petty cash; increasing the amount of  
21 petty cash that may be used by nonstatewide  
22 candidates and political committees; amending  
23 s. 106.1405, F.S.; prescribing guidelines for  
24 paying for goods and services provided by a  
25 family member; amending s. 106.141, F.S.;  
26 eliminating a candidate's right to  
27 reimbursement for personal loans to the  
28 campaign; increasing the amount of funds  
29 transferrable to an office account; requiring  
30 receipts for office account expenditures;  
31 authorizing inspection of receipts; amending s.

1 106.143, F.S.; modifying disclaimer  
2 requirements; amending s. 106.144, F.S.;  
3 modifying requirements for statements of  
4 endorsement; amending s. 106.15, F.S.;  
5 expanding prohibition against candidates using  
6 state employees' services during working hours  
7 to include all government employees; amending  
8 s. 106.18, F.S.; prohibiting the appearance of  
9 a candidate's name on the ballot if the  
10 commission finds the candidate violated s.  
11 106.19(1), F.S., within the past 2 years;  
12 providing for a filing officer to certify that  
13 a candidate has filed all reports and paid all  
14 fines; creating s. 106.185, F.S.; providing for  
15 forfeiture of a candidate's salary and expenses  
16 for certain acts; amending s. 106.19, F.S.;  
17 providing a civil penalty for willful violation  
18 of s. 106.19(1)(a), F.S.; increasing the  
19 criminal penalty; amending s. 106.21, F.S.;  
20 providing for withholding or rescinding of a  
21 certification of election and removal from  
22 office for violation of s. 106.19(1), F.S.;  
23 providing judicial relief to an elector or a  
24 defected candidate against a successful  
25 candidate who is found guilty of such a  
26 violation; amending s. 106.23, F.S.; exempting  
27 provisions under the commission's jurisdiction  
28 from the scope of advisory opinions which may  
29 be given by the division; amending s. 106.24,  
30 F.S.; assigning the Florida Elections  
31 Commission to the Department of State;

1 providing a general counsel for the commission;  
2 prohibiting the Division of Elections from  
3 using the Elections Commission Trust Fund for  
4 fraud investigations; amending s. 106.25, F.S.;  
5 expanding the jurisdiction of the commission;  
6 requiring the commission to investigate all  
7 violations of the code under its jurisdiction;  
8 requiring a filing officer to report code  
9 violations in writing to the commission;  
10 amending s. 106.26, F.S.; authorizing the  
11 commission to issue advisory opinions; amending  
12 s. 106.265, F.S.; increasing the amount of  
13 civil penalties which the commission may  
14 impose; providing for fines to be deposited  
15 into the Elections Commission Trust Fund;  
16 repealing s. 105.09, F.S., relating to  
17 political activity on behalf of candidates for  
18 judicial office; repealing s. 106.085, F.S.,  
19 relating to independent expenditures; providing  
20 an appropriation; providing an effective date.

21

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

23

24 Section 1. Subsection (12) is added to section 98.015,  
25 Florida Statutes, to read:

26 98.015 Supervisor of elections; election, tenure of  
27 office, compensation, custody of books, office hours,  
28 successor, seal; appointment of deputy supervisors; duties.--

29 (12) Each supervisor shall investigate fraudulent  
30 registrations and illegal voting within the jurisdiction of  
31 the Florida Elections Commission and report his or her

1 findings to the state attorney and the commission. Each  
2 supervisor who has information concerning any violation of the  
3 Florida Election Code over which the commission has  
4 jurisdiction shall immediately report the information, in  
5 writing, to the Florida Elections Commission.

6 Section 2. Section 102.155, Florida Statutes, is  
7 amended to read:

8 102.155 Certificate of election.--

9 (1) The supervisor shall give to any person the  
10 election of whom is certified by the county canvassing board a  
11 certificate of the person's election. The Department of State  
12 shall give to any person the election of whom is certified by  
13 the state canvassing board a certificate of the person's  
14 election. The certificate of election which is issued to any  
15 person shall be prima facie evidence of the election of such  
16 person.

17 (2) A certificate of election may not be issued by a  
18 supervisor or the Department of State until all preelection  
19 reports required by s. 106.07 have been filed in accordance  
20 with the provisions of such section and the candidate's filing  
21 officer has certified in writing that all preelection reports  
22 required by s. 106.07 have been filed. However, a candidate  
23 may not be prevented from receiving a certificate of election  
24 for failure to file any copy of a report required by chapter  
25 106.

26 (3) A supervisor or the Department of State shall not  
27 issue a certificate of election for any candidate until all  
28 outstanding fines for violating chapter 106 have been paid.  
29 The candidate's filing officer and the Florida Elections  
30 Commission shall certify in writing that there are no  
31

1 outstanding fines for violations of chapter 106 prior to a  
2 certificate of election being issued.

3 Section 3. Section 104.011, Florida Statutes, is  
4 amended to read:

5 104.011 False swearing; submission of false voter  
6 registration information.--

7 (1) A person who willfully swears or affirms falsely  
8 to any oath or affirmation required by the Florida Election  
9 Code, or willfully procures another person to swear or affirm  
10 falsely to an oath or affirmation required by the Florida  
11 Election Code, in connection with or arising out of voting or  
12 elections commits a felony of the third degree, punishable as  
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (2) A person who willfully submits any false voter  
15 registration information commits a felony of the third degree,  
16 punishable as provided in s. 775.082 or s. 775.083.

17 Section 4. Section 104.42, Florida Statutes, is  
18 amended to read:

19 104.42 Fraudulent registration and illegal voting;  
20 investigation.--

21 (1) The supervisor of elections shall ~~is authorized to~~  
22 investigate fraudulent registrations and illegal voting within  
23 the jurisdiction of the Florida Elections Commission and ~~to~~  
24 report his or her findings in writing to the local state  
25 attorney and the ~~Florida Elections~~ commission.

26 (2) The board of county commissioners in any county  
27 may appropriate funds to the supervisor of elections for the  
28 purpose of investigating fraudulent registrations and illegal  
29 voting.

30 Section 5. Subsections (1) and (3) of section 106.011,  
31 Florida Statutes, are amended to read:

1           106.011 Definitions.--As used in this chapter, the  
2 following terms have the following meanings unless the context  
3 clearly indicates otherwise:

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

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

8           a. Accepts contributions for the purpose of making  
9 contributions to any candidate, political committee, committee  
10 of continuous existence, or political party;

11           b. Accepts contributions for the purpose of expressly  
12 advocating the election or defeat of a candidate or issue;

13           c. Makes expenditures for the purpose of expressly  
14 advocating the election or defeat of a candidate or issues; or

15           d. Makes contributions to a common fund, other than a  
16 joint checking account between spouses, from which  
17 contributions are made to any candidate, political committee,  
18 committee of continuous existence, or political party.~~the~~  
19 ~~primary or incidental purpose of which is to support or oppose~~  
20 ~~any candidate, issue, or political party, which accepts~~  
21 ~~contributions or makes expenditures during a calendar year in~~  
22 ~~an aggregate amount in excess of \$500; "political committee"~~  
23 ~~also means~~

24           2. The sponsor of a proposed constitutional amendment  
25 by initiative who intends to seek the signatures of registered  
26 electors.

27           (b) Notwithstanding paragraph (a), the following  
28 entities are not political committees for purposes of this  
29 chapter:1. Organizations that ~~which~~ are certified by the  
30 Department of State as committees of continuous existence  
31 pursuant to s. 106.04.~~7~~

1           2. National political parties, and the state and  
2 county executive committees of political parties regulated by  
3 chapter 103 ~~shall not be considered political committees for~~  
4 ~~the purposes of this chapter.~~

5           3. Corporations regulated by chapter 607 or chapter  
6 617 or other business entities formed for purposes other than  
7 to support or oppose issues or candidates, ~~are not political~~  
8 ~~committees~~ if their political activities are limited to  
9 contributions to candidates, political parties, or political  
10 committees or expenditures in support of or opposition to an  
11 issue from corporate or business funds and if no contributions  
12 are received by such corporations or business entities.

13           (3) "Contribution" means:

14           (a) A gift, subscription, conveyance, deposit, loan,  
15 payment, or distribution of money or anything of value,  
16 including contributions in kind having an attributable  
17 monetary value in any form, made for the purpose of  
18 influencing the results of an election.

19           (b) A transfer of funds between political committees,  
20 between committees of continuous existence, or between a  
21 political committee and a committee of continuous existence.

22           (c) The payment, by any person other than a candidate  
23 or political committee, of compensation for the personal  
24 services of another person which are rendered to a candidate  
25 or political committee without charge to the candidate or  
26 committee for such services.

27           (d) The transfer of funds by a campaign treasurer or  
28 deputy campaign treasurer between a primary depository and a  
29 separate interest-bearing account or certificate of deposit,  
30 and the term includes any interest earned on such account or  
31 certificate.



1  
2 Notwithstanding the foregoing meanings of "contribution," the  
3 word shall not be construed to include services, including,  
4 but not limited to, legal and accounting services, provided  
5 without compensation by individuals volunteering a portion or  
6 all of their time on behalf of a candidate or political  
7 committee. This definition shall not be construed to include  
8 editorial endorsements by any newspaper, radio or television  
9 station, or other recognized news medium.

10 Section 6. Paragraph (a) of subsection (1) of section  
11 106.021, Florida Statutes, is amended to read:

12 106.021 Campaign treasurers; deputies; primary and  
13 secondary depositories.--

14 (1)(a) Each candidate for nomination or election to  
15 office and each political committee shall appoint a campaign  
16 treasurer. A candidate may not serve as treasurer or deputy  
17 treasurer for his or her campaign if the candidate accepts  
18 contributions or makes expenditures in an aggregate amount in  
19 excess of \$10,000 for the office sought. If a candidate has  
20 served as the treasurer or deputy treasurer of the campaign  
21 prior to accepting or making expenditures in an aggregate  
22 amount in excess of \$10,000, the candidate must resign  
23 pursuant to subsection (2) immediately upon filing a campaign  
24 treasurer's report that discloses contributions or  
25 expenditures in an aggregate amount in excess of \$10,000.Each  
26 person who seeks to qualify for nomination or election to, or  
27 retention in, office shall appoint a campaign treasurer and  
28 designate a primary campaign depository prior to qualifying  
29 for office. Any person who seeks to qualify for election or  
30 nomination to any office by means of the petitioning process  
31 shall appoint a treasurer and designate a primary depository

1 on or before the date he or she obtains the petitions. Each  
2 candidate shall at the same time he or she designates a  
3 campaign depository and appoints a treasurer also designate  
4 the office for which he or she is a candidate. If the  
5 candidate is running for an office which will be grouped on  
6 the ballot with two or more similar offices to be filled at  
7 the same election, the candidate must indicate for which group  
8 or district office he or she is running. Nothing in this  
9 subsection shall prohibit a candidate, at a later date, from  
10 changing the designation of the office for which he or she is  
11 a candidate. However, if a candidate changes the designated  
12 office for which he or she is a candidate, the candidate must  
13 notify all contributors in writing of the intent to seek a  
14 different office and offer to return pro rata, upon their  
15 request, those contributions given in support of the original  
16 office sought. This notification shall be given within 15 days  
17 after the filing of the change of designation and shall  
18 include a standard form developed by the Division of Elections  
19 for requesting the return of contributions. The notice  
20 requirement shall not apply to any change in a numerical  
21 designation resulting solely from redistricting. If, within  
22 30 days after being notified by the candidate of the intent to  
23 seek a different office, the contributor notifies the  
24 candidate in writing that the contributor wishes his or her  
25 contribution to be returned, the candidate shall return the  
26 contribution, on a pro rata basis, calculated as of the date  
27 the change of designation is filed. Any contributions not  
28 requested to be returned within the 30-day period may be used  
29 by the candidate for the newly designated office. No person  
30 shall accept any contribution or make any expenditure with a  
31 view to bringing about his or her nomination, election, or

1 retention in public office, or authorize another to accept  
2 such contributions or make such expenditure on the person's  
3 behalf, unless such person has appointed a campaign treasurer  
4 and designated a primary campaign depository. A candidate for  
5 an office voted upon statewide may appoint not more than 15  
6 deputy campaign treasurers, and any other candidate or  
7 political committee may appoint not more than 3 deputy  
8 campaign treasurers. The names and addresses of the campaign  
9 treasurer and deputy campaign treasurers so appointed shall be  
10 filed with the officer before whom such candidate is required  
11 to qualify or with whom such political committee is required  
12 to register pursuant to s. 106.03. Each candidate who  
13 qualifies with the Department of State for an office not voted  
14 upon statewide shall, at the same time, file a copy of the  
15 name and address of the campaign treasurer with the supervisor  
16 of elections in the county in which the candidate resides.

17 Section 7. Section 106.023, Florida Statutes, is  
18 amended to read:

19 106.023 Statement of candidate.--Each candidate must  
20 file a statement with the qualifying officer within 10 days  
21 after filing the appointment of campaign treasurer and  
22 designation of campaign depository, stating that the candidate  
23 has read and understands the requirements of this chapter and  
24 that the candidate does not owe a fine to the Florida  
25 Elections Commission or the filing officer. Such statement  
26 shall be provided by the filing officer and shall be in  
27 substantially the following form:

28  
29 STATEMENT OF CANDIDATE  
30  
31



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

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

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

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

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

5           (d) Any change in information previously submitted  
6 pursuant to subsection (2) must be reported to the Division of  
7 Elections within 10 days following the change.

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

15           Section 9. Section 106.055, Florida Statutes, Florida  
16 Statutes, is amended to read:

17           106.055 Valuation of in-kind contributions.--Any  
18 person who makes an in-kind contribution shall, at the time of  
19 making such contribution, place a value on such contribution,  
20 which valuation shall be the fair market value of such  
21 contribution. A candidate who does not receive the valuation  
22 of an in-kind contribution from the contributor in time to  
23 allow timely reporting of the contribution shall determine the  
24 value of such contribution, which valuation shall be the fair  
25 market value of such contribution.

26           Section 10. Section 106.06, Florida Statutes, is  
27 amended to read:

28           106.06 Treasurer to keep records; inspections.--

29           (1) The campaign treasurer of each candidate and the  
30 campaign treasurer of each political committee shall keep  
31 detailed accounts, current within not more than 2 days after

1 the date of receiving a contribution or making an expenditure,  
2 of all contributions received and all expenditures made by or  
3 on behalf of the candidate or political committee that are  
4 required to be set forth in a statement filed under this  
5 chapter. The campaign treasurer shall also keep detailed  
6 accounts of all deposits made in any separate interest-bearing  
7 account or certificate of deposit and of all withdrawals made  
8 therefrom to the primary depository and of all interest earned  
9 thereon.

10 (2) Accounts, including separate interest-bearing  
11 accounts and certificates of deposit, kept by the campaign  
12 treasurer of a candidate or political committee and the  
13 candidate may be inspected under reasonable circumstances  
14 before, during, or after the election to which the accounts  
15 refer by any authorized representative of the Division of  
16 Elections or the Florida Elections Commission. The right of  
17 inspection may be enforced by appropriate writ issued by any  
18 court of competent jurisdiction. The campaign treasurer of a  
19 political committee supporting a candidate may be joined with  
20 the campaign treasurer of the candidate and the candidate as  
21 respondent in such a proceeding.

22 (3) The campaign treasurer of a candidate shall  
23 deliver all accounts of the campaign to the candidate within  
24 30 days after the candidate files his termination report.  
25 Accounts kept by ~~a campaign treasurer~~ of a candidate shall be  
26 preserved by the candidate ~~campaign treasurer~~ for a number of  
27 years equal to the term of office of the office to which the  
28 candidate seeks election. Accounts kept by a campaign  
29 treasurer of a political committee shall be preserved by such  
30 treasurer for at least 2 years after the date of the election  
31 to which the accounts refer. If the campaign treasurer of a

1 candidate fails to deliver all accounts of the campaign to the  
2 candidate within 30 days after the candidate files his or her  
3 termination report, the candidate shall report the failure to  
4 the Florida Elections Commission. Notwithstanding any other  
5 provision of law, the commission shall assess a civil penalty  
6 of \$5,000 against any campaign treasurer of a candidate or  
7 campaign treasurer of a political committee found in violation  
8 of this subsection.

9 Section 11. Subsections (1) and (4) of section 106.07,  
10 Florida Statutes, are amended to read:

11 106.07 Reports; certification and filing.--

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

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



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

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

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

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

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

29 (e) The filing officer shall provide each candidate  
30 with a schedule designating the beginning and end of reporting  
31 periods as well as the corresponding designated due dates.

1           (4)(a) Each report required by this section shall  
2 contain:

3           1. The full name, address, and occupation, if any of  
4 each person who has made one or more contributions to or for  
5 such committee or candidate within the reporting period,  
6 together with the amount and date of such contributions. For  
7 corporations, the report must provide as clear a description  
8 as practicable of the principal type of business conducted by  
9 the corporation. However, if the contribution is \$100 or less  
10 or is from a relative, as defined in s. 112.312, provided that  
11 the relationship is reported, the occupation of the  
12 contributor or the principal type of business need not be  
13 listed.

14           2. The name and address of each political committee  
15 from which the reporting committee or the candidate received,  
16 or to which the reporting committee or candidate made, any  
17 transfer of funds, together with the amounts and dates of all  
18 transfers.

19           3. Each loan for campaign purposes to or from any  
20 person or political committee within the reporting period,  
21 together with the full names, addresses, and occupations, and  
22 principal places of business, if any, of the lender and  
23 endorsers, if any, and the date and amount of such loans.

24           4. A statement of each contribution, rebate, refund,  
25 or other receipt not otherwise listed under subparagraphs 1.  
26 through 3.

27           5. The total sums of all loans, in-kind contributions,  
28 and other receipts by or for such committee or candidate  
29 during the reporting period. The reporting forms shall be  
30 designed to elicit separate totals for in-kind contributions,  
31 loans, and other receipts.

1           6. The full name and address of each person to whom  
2 expenditures have been made by or on behalf of the committee  
3 or candidate within the reporting period; the amount, date,  
4 and purpose of each such expenditure; and the name and address  
5 of, and office sought by, each candidate on whose behalf such  
6 expenditure was made. However, expenditures made from the  
7 petty cash fund provided by s. 106.12 need not be reported  
8 individually.

9           7. The full name and address of each person to whom an  
10 expenditure for personal services, salary, or reimbursement  
11 for authorized expenses has been made and which is not  
12 otherwise reported, including the amount, date, and purpose of  
13 such expenditure. Reimbursement for authorized expenses may  
14 not exceed \$500 per reporting period and may be made only for  
15 transportation expenses, lodging, and meals. Receipts for  
16 reimbursed expenses must be maintained as required by s.  
17 106.06. ~~However,~~ Expenditures made from the petty cash fund  
18 provided for in s. 106.12 need not be reported individually,  
19 but receipts for petty cash expenditures must be maintained as  
20 required by s. 106.06.

21           8. The full name and address of each person who  
22 supplies communications media services to the candidate or  
23 political committee, regardless of whether the person was paid  
24 directly or indirectly by the campaign.

25           ~~9.8.~~ The total amount withdrawn and the total amount  
26 spent for petty cash purposes pursuant to this chapter during  
27 the reporting period.

28           ~~10.9.~~ The total sum of expenditures made by such  
29 committee or candidate during the reporting period.

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1           ~~11.10.~~ The amount and nature of debts and obligations  
2 owed by or to the committee or candidate, which relate to the  
3 conduct of any political campaign.

4           ~~12.11.~~ A copy of each credit card statement which  
5 shall be included in the next report following receipt thereof  
6 by the candidate or political committee. Receipts for each  
7 credit card purchase shall be retained by the treasurer with  
8 the records for the campaign account.

9           ~~13.12.~~ The amount and nature of any separate  
10 interest-bearing accounts or certificates of deposit and  
11 identification of the financial institution in which such  
12 accounts or certificates of deposit are located.

13           (b) The filing officer shall make available to any  
14 candidate or committee a reporting form which the candidate or  
15 committee may use to indicate contributions received by the  
16 candidate or committee but returned to the contributor before  
17 deposit.

18           Section 12. Section 106.071, Florida Statutes, is  
19 amended to read:

20           106.071 Independent expenditures; reports;  
21 disclaimers.--

22           (1) Each person who makes an independent expenditure  
23 with respect to any candidate or issue, which expenditure, in  
24 the aggregate, is in the amount of \$100 or more, shall file  
25 periodic reports of such expenditures in the same manner, at  
26 the same time, and with the same officer as a political  
27 committee supporting or opposing such candidate or issue. The  
28 report shall contain the full name and address of each person  
29 to whom and for whom each such expenditure has been made; the  
30 amount, date, and purpose of each such expenditure; a  
31 description of the services or goods obtained by each such

1 expenditure; and the name and address of, and office sought  
2 by, each candidate on whose behalf such expenditure was made.  
3 Any political advertisement paid for by an independent  
4 expenditure shall include a readily readable disclaimer that  
5 states:~~prominently state~~ "Paid political advertisement paid  
6 for by ...(Name of person or committee paying for  
7 advertisement)... independently of any ...(candidate or  
8 committee)...," and shall also contain the name and address of  
9 the individual who pays ~~person paying~~ for the political  
10 advertisement. If the person paying for the political  
11 advertisement is a combination of individuals, the names of  
12 the individuals paying for the advertisement must be included  
13 in the disclaimer.

14 (2) This section does not apply to a political  
15 advertisement supporting or opposing a candidate which:

16 (a) Is paid for by an individual acting alone who is  
17 not a candidate;

18 (b) Is paid for by an individual spending his or her  
19 own resources; and

20 (c) Costs less than \$100.

21  
22 However, the political advertisement must include a disclaimer  
23 that states: "Paid political advertisement."

24 (3)~~(2)~~ Any person who fails to include the disclaimer  
25 prescribed in subsection (1) or who includes a false  
26 disclaimer in any political advertisement which is required to  
27 contain such disclaimer is guilty of a misdemeanor of the  
28 first degree, punishable as provided in s. 775.082 or s.  
29 775.083.

30 (4) Notwithstanding any other provision of law, the  
31 commission shall assess a civil penalty of \$5,000 against any

1 person found to have included a false disclaimer in a  
2 political advertisement paid for by an independent  
3 expenditure.

4 ~~(3) No person may make a contribution in excess of~~  
5 ~~\$1,000 to any other person, to be used by such other person to~~  
6 ~~make an independent expenditure.~~

7 Section 13. Section 106.08, Florida Statutes, is  
8 amended to read:

9 106.08 Contributions; limitations on.--

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

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

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

28 (c) The contribution limits of this subsection apply  
29 to each election. For purposes of this subsection, the first  
30 primary, second primary, and general election are separate  
31 elections so long as the candidate is not an unopposed

1 candidate as defined in s. 106.011(15). However, for the  
2 purpose of contribution limits with respect to candidates for  
3 retention as a justice or judge, there is only one election,  
4 which is the general election. With respect to candidates in a  
5 circuit holding an election for circuit judge or in a county  
6 holding an election for county court judge, there are only two  
7 elections, which are the first primary election and general  
8 election.

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

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

26 (3)(a) Any contribution received by a candidate with  
27 opposition in an election or by the campaign treasurer or a  
28 deputy campaign treasurer of such a candidate on the day of  
29 that election or less than 5 days prior to the day of that  
30 election must be returned by him or her to the person or  
31

1 committee contributing it and may not be used or expended by  
2 or on behalf of the candidate.

3 (b) Except as otherwise provided in paragraph (c), any  
4 contribution received by a candidate or by the campaign  
5 treasurer or a deputy campaign treasurer of a candidate after  
6 the date at which the candidate withdraws his or her  
7 candidacy, or after the date the candidate is defeated,  
8 becomes unopposed, or is elected to office must be returned to  
9 the person or committee contributing it and may not be used or  
10 expended by or on behalf of the candidate.

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

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

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

29 (4) Any contribution received by the chair, campaign  
30 treasurer, or deputy campaign treasurer of a political  
31 committee supporting or opposing a candidate with opposition



1 in an election or supporting or opposing an issue on the  
2 ballot in an election on the day of that election or less than  
3 5 days prior to the day of that election may not be obligated  
4 or expended by the committee until after the date of the  
5 election.

6 (5)(a) A person may not make any contribution through  
7 or in the name of another, directly or indirectly, in any  
8 election.

9 (b) Candidates, political committees, and political  
10 parties may not solicit contributions from ~~or make~~  
11 ~~contributions to~~ any religious, charitable, civic, or other  
12 causes or organizations established primarily for the public  
13 good.

14 (c)1. Candidates, political committees, and political  
15 parties may not make contributions from campaign funds to any  
16 religious, charitable, civic, or other causes or organizations  
17 established primarily for the public good. However, it is not  
18 a violation of this paragraph subsection for a candidate,  
19 political committee, or political party executive committee to  
20 make gifts of money in lieu of flowers in memory of a deceased  
21 person from campaign funds.~~or for a~~

22 2. A candidate may ~~to~~ continue membership in, or make  
23 regular donations from personal or business funds to,  
24 religious, political party, civic, or charitable groups of  
25 which the candidate is a member or to which the candidate has  
26 been a regular donor for more than 6 months as long as the  
27 funds for these expenditures are not from campaign funds.

28 3. A candidate may purchase, with campaign funds,  
29 tickets, admission to events, or advertisements from  
30 religious, civic, political party, or charitable groups as  
31

1 long as the expenditure is made for purposes of influencing  
2 the election.

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

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

30 (b) Any person who knowingly and willfully makes two  
31 or more contributions in violation of subsection (1) or

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

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

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

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

3 Section 14. Section 106.09, Florida Statutes, is  
4 amended to read:

5 106.09 Cash contributions and contribution by  
6 cashier's checks.--

7 (1) No person shall make ~~or accept~~ a cash contribution  
8 or contribution by means of a cashier's check or money order  
9 in excess of \$100.

10 (2) A candidate, political committee, committee of  
11 continuous existence, or political party, or any agent or  
12 person acting on behalf of any candidate, political committee,  
13 committee of continuous existence, or political party may not  
14 accept for a candidate, political committee, committee of  
15 continuous existence, or political party a cash contribution  
16 or contribution by means of a cashier's check or money order  
17 in excess of \$100 per donor per election.

18 ~~(3)~~(2) Any person who makes or accepts a contribution  
19 in violation of this section is guilty of a misdemeanor of the  
20 first degree, punishable as provided in s. 775.082 or s.  
21 775.083.

22 Section 15. Subsection (4) of section 106.11, Florida  
23 Statutes, is amended to read:

24 106.11 Expenses of and expenditures by candidates and  
25 political committees.--Each candidate and each political  
26 committee which designates a primary campaign depository  
27 pursuant to s. 106.021(1) shall make expenditures from funds  
28 on deposit in such primary campaign depository only in the  
29 following manner, with the exception of expenditures made from  
30 petty cash funds provided by s. 106.12: violation of this  
31 chapter.

1           (4) A candidate who withdraws his or her candidacy,  
2 becomes an unopposed candidate, or is eliminated as a  
3 candidate or elected to office may expend funds from the  
4 campaign account to:

5           (a) Purchase "thank you" advertising for up to 75 days  
6 after he or she withdraws, becomes unopposed, or is eliminated  
7 or elected.

8           (b) Pay for items which were obligated before he or  
9 she withdrew, became unopposed, or was eliminated or elected.  
10 However, the obligation must have been made in writing prior  
11 to the date the candidate became an unopposed candidate, was  
12 eliminated as a candidate, or was elected to office and must  
13 be legally enforceable.

14           (c) Pay for expenditures necessary to close down the  
15 campaign office and to prepare final campaign reports.

16           (d) Dispose of surplus funds as provided in s.  
17 106.141.

18           Section 16. Section 106.12, Florida Statutes, is  
19 amended to read:

20           106.12 Petty cash funds allowed.--

21           (1) Each campaign treasurer designated pursuant to s.  
22 106.021(1) for a candidate or political committee is  
23 authorized to withdraw from the primary campaign account,  
24 until the close of the last day for qualifying for office, the  
25 amount of \$500 per calendar quarter reporting period for the  
26 purpose of providing a petty cash fund for the candidate or  
27 political committee.

28           (2) Following the close of the last day for qualifying  
29 and until the last election in a given election period in  
30 which the political committee participates, the campaign  
31 treasurer of each political committee is authorized to

1 withdraw the following amount each week from the primary  
2 depository campaign account for the purpose of providing a  
3 petty cash fund for the political committee, and, following  
4 the close of the last day for qualifying and until the  
5 election at which such candidate is eliminated or elected to  
6 office, or the time at which the candidate becomes unopposed,  
7 the campaign treasurer of each candidate is authorized to  
8 withdraw the following amount each week from the primary  
9 depository campaign account for the purpose of providing a  
10 petty cash fund for the candidate:

11 (a) For all candidates for nomination or election on a  
12 statewide basis, \$500 per week.

13 (b) For all other candidates and all political  
14 committees, ~~\$250~~~~\$100~~ per week.

15 (3) The petty cash fund so provided may ~~shall~~ be spent  
16 only in amounts less than \$30 and only for office supplies,  
17 transportation expenses, and meals ~~other necessities~~. Petty  
18 cash may ~~shall~~ not be used for the purchase of time, space, or  
19 services from communications media as defined in s.  
20 106.011(13). Receipts for petty cash expenditures must be  
21 maintained as required by s. 106.06.

22 Section 17. Section 106.1405, Florida Statutes, is  
23 amended to read:

24 106.1405 Use of campaign funds.--

25 (1) A candidate or the spouse of a candidate may not  
26 use funds on deposit in a campaign account of such candidate  
27 to defray normal living expenses for the candidate or the  
28 candidate's family, other than expenses actually incurred for  
29 transportation, meals, and lodging by the candidate or a  
30 family member during travel in the course of the campaign. If  
31 a member of a candidate's family provides goods or services to

1 the campaign in excess of \$500, there must be an enforceable,  
2 written contract between the candidate and the member of his  
3 or her family prior to the provision of any goods or services.  
4 The contract must specify the specific goods or services to be  
5 provided. If the family member is providing services, the  
6 number of hours to be worked each pay period, the rate of pay,  
7 and the duration of the contract must be included. The  
8 contract and all receipts for payment must be maintained as  
9 required by s. 106.06.

10 (2) A candidate may not pay either directly or  
11 indirectly any fines for violations of the election code out  
12 of the candidate's campaign account or out of an office  
13 account established under s. 106.141(5).

14 Section 18. Section 106.141, Florida Statutes, is  
15 amended to read:

16 106.141 Disposition of surplus funds by candidates.--

17 (1) Each candidate who withdraws his or her candidacy,  
18 becomes an unopposed candidate, or is eliminated as a  
19 candidate or elected to office shall, within 90 days, dispose  
20 of the funds on deposit in his or her campaign account and  
21 file a report reflecting the disposition of all remaining  
22 funds. Such candidate shall not accept any contributions, nor  
23 shall any person accept contributions on behalf of such  
24 candidate, after the candidate withdraws his or her candidacy,  
25 becomes unopposed, or is eliminated or elected. However, if a  
26 candidate receives a refund check after all surplus funds have  
27 been disposed of, the check may be endorsed by the candidate  
28 and the refund disposed of under this section. An amended  
29 report must be filed showing the refund and subsequent  
30 disposition.

31

1           (2) ~~A Any candidate required to dispose of funds~~  
2 ~~pursuant to this section may not, prior to such disposition,~~  
3 be reimbursed by the campaign, in full or in part, for any  
4 reported contributions or loans made by the candidate to the  
5 campaign. If, however, the candidate returns leftover funds to  
6 the contributors pursuant to paragraph (4)(a), the candidate  
7 may receive a pro rata share of the leftover funds.

8           (3) The campaign treasurer of a candidate who  
9 withdraws his or her candidacy, becomes unopposed, or is  
10 eliminated as a candidate or elected to office and who has  
11 funds on deposit in a separate interest-bearing account or  
12 certificate of deposit shall, within 7 days after the date of  
13 becoming unopposed or the date of such withdrawal,  
14 elimination, or election, transfer such funds and the  
15 accumulated interest earned thereon to the campaign account of  
16 the candidate for disposal under this section. However, if  
17 the funds are in an account in which penalties will apply for  
18 withdrawal within the 7-day period, the campaign treasurer  
19 shall transfer such funds and the accumulated interest earned  
20 thereon as soon as the funds can be withdrawn without penalty,  
21 or within 90 days after the candidate becomes unopposed,  
22 withdraws his or her candidacy, or is eliminated or elected,  
23 whichever comes first.

24           (4)(a) Except as provided in paragraph (b), any  
25 candidate required to dispose of funds pursuant to this  
26 section shall, at the option of the candidate, dispose of such  
27 funds by any of the following means, or any combination  
28 thereof:

29           1. Return pro rata to each contributor the funds that  
30 have not been spent or obligated. If the candidate contributed  
31



1 to his or her campaign, the candidate may receive a pro rata  
2 share of the returned contributions.

3           2. Donate the funds that have not been spent or  
4 obligated to a charitable organization or organizations that  
5 meet the qualifications of s. 501(c)(3) of the Internal  
6 Revenue Code.

7           3. Give not more than \$10,000 of the funds that have  
8 not been spent or obligated to the political party of which  
9 such candidate is a member.

10           4. Give the funds that have not been spent or  
11 obligated:

12           a. In the case of a candidate for state office, to the  
13 state, to be deposited in either the Election Campaign  
14 Financing Trust Fund or the General Revenue Fund, as  
15 designated by the candidate; or

16           b. In the case of a candidate for an office of a  
17 political subdivision, to such political subdivision, to be  
18 deposited in the general fund thereof.

19           (b) Any candidate required to dispose of funds  
20 pursuant to this section who has received contributions from  
21 the Election Campaign Financing Trust Fund shall return all  
22 surplus campaign funds to the Election Campaign Financing  
23 Trust Fund.

24           (5) A candidate elected to office or a candidate who  
25 will be elected to office by virtue of his or her being  
26 unopposed may, in addition to the disposition methods provided  
27 in subsection (4), transfer from the campaign account to an  
28 office account any amount of the funds on deposit in such  
29 campaign account up to:

30           (a) Twenty ~~Ten~~ thousand dollars, for a candidate for  
31 statewide office. The Governor and Lieutenant Governor shall

1 be considered separate candidates for the purpose of this  
2 section.

3 (b) Ten ~~Five~~ thousand dollars, for a candidate for  
4 multicounty office.

5 (c) Five ~~Two~~ thousand ~~five hundred~~ dollars multiplied  
6 by the number of years in the term of office for which  
7 elected, for a candidate for legislative office.

8 (d) Two ~~One~~ thousand dollars multiplied by the number  
9 of years in the term of office for which elected, for a  
10 candidate for county office or for a candidate in any election  
11 conducted on less than a countywide basis.

12 (e) Twelve ~~Six~~ thousand dollars, for a candidate for  
13 retention as a justice of the Supreme Court.

14 (f) Six ~~Three~~ thousand dollars, for a candidate for  
15 retention as a judge of a district court of appeal.

16 (g) Three ~~One~~ thousand ~~five hundred~~ dollars, for a  
17 candidate for county court judge or circuit judge.

18  
19 The office account established pursuant to this subsection  
20 shall be separate from any personal or other account. Any  
21 funds so transferred by a candidate shall be used only for  
22 legitimate expenses in connection with the candidate's public  
23 office. Such expenses may include travel expenses incurred by  
24 the officer or a staff member, personal taxes payable on  
25 office account funds by the candidate or elected public  
26 official, or expenses incurred in the operation of his or her  
27 office, including the employment of additional staff. Receipts  
28 for office expenditures must be preserved by the candidate for  
29 the number of years equal to the term of office to which the  
30 candidate was elected. Receipts may be inspected under  
31 reasonable circumstances by any authorized representative of

1 the commission, by the filing officer of the candidate, and by  
2 the governmental entity that is responsible for paying the  
3 officeholder's salary.The funds may be deposited in a savings  
4 account; however, all deposits, withdrawals, and interest  
5 earned thereon shall be reported at the appropriate reporting  
6 period. If a candidate is reelected to office or elected to  
7 another office and has funds remaining in his or her office  
8 account, he or she may transfer surplus campaign funds to the  
9 office account. At no time may the funds in the office account  
10 exceed the limitation imposed by this subsection. Upon leaving  
11 public office, any person who has funds in an office account  
12 pursuant to this subsection remaining on deposit shall give  
13 such funds to a charitable organization or organizations which  
14 meet the requirements of s. 501(c)(3) of the Internal Revenue  
15 Code or, in the case of a state officer, to the state to be  
16 deposited in the General Revenue Fund or, in the case of an  
17 officer of a political subdivision, to the political  
18 subdivision to be deposited in the general fund thereof.

19 (6) Prior to disposing of funds pursuant to subsection  
20 (4) or transferring funds into an office account pursuant to  
21 subsection (5), any candidate who filed an oath stating that  
22 he or she was unable to pay the election assessment or fee for  
23 verification of petition signatures without imposing an undue  
24 burden on his or her personal resources or on resources  
25 otherwise available to him or her, or who filed both such  
26 oaths, or who qualified by the alternative method and was not  
27 required to pay an election assessment, shall reimburse the  
28 state or local governmental entity, whichever is applicable,  
29 for such waived assessment or fee or both. Such reimbursement  
30 shall be made first for the cost of petition verification and  
31 then, if funds are remaining, for the amount of the election

1 assessment. If there are insufficient funds in the account to  
2 pay the full amount of either the assessment or the fee or  
3 both, the remaining funds shall be disbursed in the above  
4 manner until no funds remain. All funds disbursed pursuant to  
5 this subsection shall be remitted to the qualifying officer.  
6 Any reimbursement for petition verification costs which are  
7 reimbursable by the state shall be forwarded by the qualifying  
8 officer to the state for deposit in the General Revenue Fund.  
9 All reimbursements for the amount of the election assessment  
10 shall be forwarded by the qualifying officer to the Department  
11 of State for deposit in the Elections Commission Trust Fund.

12 (7) Any candidate required to dispose of campaign  
13 funds pursuant to this section shall do so within the time  
14 required by this section and shall, on or before the date by  
15 which such disposition is to have been made, file with the  
16 officer with whom reports are required to be filed pursuant to  
17 s. 106.07 a form prescribed by the Division of Elections  
18 listing:

19 (a) The name and address of each person or unit of  
20 government to whom any of the funds were distributed and the  
21 amounts thereof;

22 (b) The name and address of each person to whom an  
23 expenditure was made, together with the amount thereof and  
24 purpose therefor; and

25 (c) The amount of such funds transferred to an office  
26 account by the candidate, together with the name and address  
27 of the bank in which the office account is located.

28

29 Such report shall be signed by the candidate and the campaign  
30 treasurer and certified as true and correct pursuant to s.  
31 106.07. Any candidate failing to file a report on the

1 designated due date shall be subject to a fine as provided in  
2 s. 106.07 for submitting late reports.

3 (8) Any candidate elected to office who transfers  
4 surplus campaign funds into an office account pursuant to  
5 subsection (5) shall file a report on the 10th day following  
6 the end of each calendar quarter until the account is closed.  
7 Such reports shall contain the name and address of each person  
8 to whom any disbursement of funds was made, together with the  
9 amount thereof and the purpose therefor, and the name and  
10 address of any person from whom the elected candidate received  
11 any refund or reimbursement and the amount thereof. Such  
12 reports shall be on forms prescribed by the Division of  
13 Elections, signed by the elected candidate, certified as true  
14 and correct, and filed with the officer with whom campaign  
15 reports were filed pursuant to s. 106.07(2).

16 (9) Any candidate, or any person on behalf of a  
17 candidate, who accepts contributions after such candidate has  
18 withdrawn his or her candidacy, after the candidate has become  
19 an unopposed candidate, or after the candidate has been  
20 eliminated as a candidate or elected to office commits a  
21 misdemeanor of the first degree, punishable as provided in s.  
22 775.082 or s. 775.083.

23 (10) Any candidate who is required by the provisions  
24 of this section to dispose of funds in his or her campaign  
25 account and who fails to dispose of the funds in the manner  
26 provided in this section commits a misdemeanor of the first  
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28 Section 19. Section 106.143, Florida Statutes, is  
29 amended to read:

30 106.143 Political advertisements circulated prior to  
31 election; requirements.--

1           (1) Any political advertisement and any campaign  
2 literature published, displayed, or circulated prior to, or on  
3 the day of, any election shall include a disclaimer that must  
4 be:

5           (a) Readily readable.

6           (b) Marked "paid political advertisement" or with the  
7 abbreviation "pd. pol. adv."

8           (c) Marked "paid for by"...(name of candidate or  
9 person paying for the advertisement)...."

10           (d) If the candidate is running in an election that  
11 has partisan primaries, marked with the name or abbreviation  
12 of the political party to which the candidate belongs or with  
13 "no party affiliation" if the candidate is running  
14 independently of party affiliation.

15           (e) Marked "provided in-kind by ...(name of donor)..."  
16 or "cost partially provided in-kind by ...(name of donor)...,"  
17 if applicable. In-kind contributions include, but are not  
18 limited to, costs for designing, printing, publishing,  
19 distributing, displaying, broadcasting, or circulating a  
20 political advertisement.

21

22 This subsection does not apply to campaign messages used by a  
23 candidate or the candidate's supporters which are designed to  
24 be worn by a person.

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

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

29           ~~(c)1.~~

30           ~~a. State whether the advertisement and the cost of~~  
31 ~~production is paid for or provided in kind by or at the~~

1 ~~expense of the entity publishing, displaying, broadcasting, or~~  
2 ~~circulating the political advertisement; or~~

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

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

9

10 ~~This subsection does not apply to campaign messages used by a~~  
11 ~~candidate and the candidate's supporters if those messages are~~  
12 ~~designed to be worn by a person.~~

13       ~~(2) Any political advertisement of a candidate running~~  
14 ~~for partisan office shall express the name of the political~~  
15 ~~party of which the candidate is seeking nomination or is the~~  
16 ~~nominee. If the candidate for partisan office is running as a~~  
17 ~~candidate with no party affiliation, any political~~  
18 ~~advertisement of the candidate must state that the candidate~~  
19 ~~has no party affiliation.~~

20       ~~(2)(3)~~ It is unlawful for any candidate or person on  
21 behalf of a candidate to represent that any person or  
22 organization supports such candidate, unless the person or  
23 organization so represented has given specific approval in  
24 writing to the candidate to make such representation.

25 However, this subsection does not apply to:

26       (a) Editorial endorsement by any newspaper, radio or  
27 television station, or other recognized news medium.

28       (b) Publication by a party committee advocating the  
29 candidacy of its nominees.

30       (3)(4)(a) Any political advertisement, including those  
31 paid for by a political party, other than an independent

1 expenditure, offered by or on behalf of a candidate must be  
2 approved in advance by the candidate. Such political  
3 advertisement must expressly state that the content of the  
4 advertisement was approved by the candidate and must state who  
5 paid for the advertisement. The candidate shall provide a  
6 written statement of authorization to the newspaper, radio  
7 station, television station, or other medium for each such  
8 advertisement submitted for publication, display, broadcast,  
9 or other distribution.

10 (b) Any person who makes an independent expenditure  
11 for a political advertisement shall provide a written  
12 statement that no candidate has approved the advertisement to  
13 the newspaper, radio station, television station, or other  
14 medium for each such advertisement submitted for publication,  
15 display, broadcast, or other distribution. The advertisement  
16 must also contain a statement that no candidate has approved  
17 the advertisement.

18 (c) This subsection does not apply to campaign  
19 messages used by a candidate and his or her supporters if  
20 those messages are designed to be worn by a person.

21 ~~(4)(5)~~ No political advertisement of a candidate who  
22 does is not hold an incumbent of the office for which the  
23 candidate is running shall use the word "re-elect."  
24 Additionally, such advertisement must include the word "for"  
25 between the candidate's name and the office for which the  
26 candidate is running, unless the advertisement implies that  
27 the candidate is not the incumbent in order that incumbency is  
28 not implied. This subsection does not apply to bumper stickers  
29 or items designed to be worn by a person.

30  
31



1           ~~(5)(6)~~ This section does not apply to novelty items  
2 having a retail value of \$10 or less which support, but do not  
3 oppose, a candidate or issue.

4           ~~(6)(7)~~ Any political advertisement which is published,  
5 displayed, or produced in a language other than English may  
6 provide the information required by this section in the  
7 language used in the advertisement.

8           ~~(7)(8)~~ Any person who willfully violates any provision  
9 of this section is subject to the civil penalties prescribed  
10 in s. 106.265.

11           Section 20. Section 106.144, Florida Statutes, is  
12 amended to read:

13           106.144 Endorsements or opposition by certain groups  
14 and organizations.--

15           (1) Any group, club, association, or other  
16 organization, except organizations affiliated with political  
17 parties regulated by chapter 103, which endorses ~~intends to~~  
18 ~~endorse~~ or opposes ~~opposes~~ the candidacy of one or more  
19 candidates for public office, or which endorses or opposes any  
20 referendum, by means of political advertisements shall, within  
21 72 hours after ~~prior to~~ publishing, issuing, broadcasting, or  
22 otherwise distributing such advertisement, file a statement as  
23 provided by this section with the officer or officers provided  
24 in this section. Such statement shall be filed with the  
25 officer before whom each candidate that the organization  
26 endorses ~~intends to endorse~~ or opposes ~~oppose~~ qualified for  
27 office pursuant to law. Each statement shall contain the  
28 following information:

29           (a) The date the organization was chartered and the  
30 number of members during the most recent 12 months and how  
31 many of these members, if any, have paid dues;

1 (b) A list of current officers or directors of such  
2 organization and a statement as to their method of selection;

3 (c) A statement of the procedures used by such  
4 organization in determining which candidates to endorse or  
5 oppose;

6 (d) If political advertisements for endorsement or  
7 opposition ~~were purposes are to be~~ paid from funds other than  
8 the dues of the membership of the organization, a statement  
9 describing the sources of such funds; and

10 (e) The amount of funds paid to the organization by  
11 candidates for public office, including payments in the form  
12 of dues, and the name of, and office sought by, each such  
13 candidate.

14 (2) Any officer, director, or other person acting on  
15 behalf of an organization who willfully violates the  
16 provisions of subsection (1) is subject to the civil penalties  
17 prescribed in s. 106.265.

18 Section 21. Subsection (3) of section 106.15, Florida  
19 Statutes, is amended to read:

20 106.15 Certain acts prohibited.--

21 (3) A ~~No~~ candidate may not ~~shall~~, in the furtherance  
22 of his or her candidacy for nomination or election to public  
23 office in any election, use the services of any officer or  
24 employee of the government ~~state~~ during working hours.

25 Section 22. Section 106.18, Florida Statutes, is  
26 amended to read:

27 106.18 When a candidate's name to be omitted from  
28 ballot.--

29 (1) The name of a candidate shall not be printed on  
30 the ballot for an election if within the past 2 years the  
31 candidate has been ~~is~~ convicted of violating s. 106.19 or has

1 been found by the Florida Elections Commission to have  
2 violated s. 106.19(1).

3 (2) Any candidate whose name is removed from the  
4 ballot pursuant to subsection (1) is disqualified as a  
5 candidate for office. If the disqualification of such  
6 candidate results in a vacancy in nomination, such vacancy  
7 shall be filled by a person other than such candidate in the  
8 manner provided by law.

9 (3) No certificate of election shall be granted to any  
10 candidate until all preelection reports required by s. 106.07  
11 have been filed in accordance with the provisions of such  
12 section. Prior to the issuance of a certificate of election,  
13 the candidate's filing officer must certify in writing that  
14 all preelection reports required by s. 106.07 have been filed,  
15 that the reports were complete, and that there are no  
16 outstanding addenda pursuant to s. 106.07(2)(b)1. In addition,  
17 the candidate's filing officer and the Florida Elections  
18 Commission must certify in writing that all outstanding fines  
19 have been paid. However, no candidate shall be prevented from  
20 receiving a certificate of election for failure to file any  
21 copy of a report required by this chapter.

22 Section 23. Section 106.185, Florida Statutes, is  
23 created to read:

24 106.185 Forfeiture of salary and expenses.--

25 (1) If the commission finds that a candidate who is  
26 elected to office has failed to file the reports required by  
27 ss. 106.07 and 106.141 and any outstanding addenda pursuant to  
28 s. 106.07(2)(b)1., he or she shall forfeit all payments for  
29 salary and expenses until the filing officer of the candidate  
30 certifies that the candidate had filed the required reports,

31

1 the reports are complete, and there are no outstanding addenda  
2 pursuant to s. 106.07(2)(b)1.

3 (2) If the commission finds that a candidate who is  
4 elected to office owes any outstanding fines to his or her  
5 filing office or the Florida Elections Commission, he or she  
6 shall forfeit all payments for salary and expenses until the  
7 filing officer and the commission certify that all fines have  
8 been paid in full.

9 (3) Any payments for salary and expenses which are  
10 forfeited pursuant to subsections (1) and (2) must be paid to  
11 the entity responsible for paying the salary and expenses of  
12 the candidate until the report has been filed or the fine has  
13 been paid in full.

14 Section 24. Section 106.19, Florida Statutes, is  
15 amended to read:

16 106.19 Violations by candidates, persons connected  
17 with campaigns, and political committees.--

18 (1) A person may not ~~Any candidate; campaign manager,~~  
19 ~~campaign treasurer, or deputy treasurer of any candidate;~~  
20 ~~committee chair, vice chair, campaign treasurer, deputy~~  
21 ~~treasurer, or other officer of any political committee; agent~~  
22 ~~or person acting on behalf of any candidate or political~~  
23 ~~committee; or other person who knowingly and willfully:~~

24 (a) Accept ~~Accepts~~ a contribution in excess of the  
25 limits prescribed by s. 106.08;

26 (b) Fail ~~Fails~~ to report any contribution required to  
27 be reported by this chapter;

28 (c) Falsely report ~~reports~~ or deliberately fails to  
29 include any information required by this chapter; or  
30  
31

1           (d) ~~Make~~ Makes or authorize ~~authorizes~~ any expenditure  
2 in violation of s. 106.11(3) or any other expenditure  
3 prohibited by this chapter~~†~~

4  
5 ~~is guilty of a misdemeanor of the first degree, punishable as~~  
6 ~~provided in s. 775.082 or s. 775.083.~~

7           (2) Notwithstanding any other provision of law, the  
8 Florida Elections Commission shall assess a civil penalty  
9 equal to three times the amount involved in the violation  
10 against any ~~Any candidate, campaign treasurer, or deputy~~  
11 ~~treasurer; any chair, vice chair, or other officer of any~~  
12 ~~political committee; any agent or person acting on behalf of~~  
13 ~~any candidate or political committee; or any other person who~~  
14 violates paragraph (1)(a), paragraph (1)(b), or paragraph  
15 (1)(d) ~~shall be subject to a civil penalty equal to three~~  
16 ~~times the amount involved in the illegal act. Such penalty~~  
17 may be in addition to the penalties provided by s. 106.265  
18 ~~subsection (1)~~ and shall be paid into the Elections Commission  
19 Trust ~~General Revenue Fund of this state.~~

20           (3) Any person who knowingly and willfully violates  
21 subsection (1) is guilty of a felony of the third degree,  
22 punishable as provided in s. 775.082 or s. 775.083.

23           ~~(4)~~(3) A political committee sponsoring a  
24 constitutional amendment proposed by initiative which submits  
25 a petition form gathered by a paid petition circulator which  
26 does not provide the name and address of the paid petition  
27 circulator on the form is subject to the civil penalties  
28 prescribed in s. 106.265.

29           Section 25. Section 106.21, Florida Statutes, is  
30 amended to read:

31

1           106.21 Certificates of election not to be issued upon  
2 conviction.--

3           (1) If a successful candidate is convicted of  
4 violating s. 106.19(1) or is found by the Florida Elections  
5 Commission to have violated s. 106.19(1) prior to the issuance  
6 of his or her certificate of election, such certificate shall  
7 not be issued, and a vacancy shall be declared and filled as  
8 provided by law.

9           (2) If a successful candidate is convicted of  
10 violating s. 106.19(1) or is found by the Florida Elections  
11 Commission to have violated s. 106.19(1) subsequent to the  
12 issuance of a certificate of election but prior to taking  
13 office, such certificate shall be rescinded by the issuing  
14 body and declared void, and a vacancy in office shall exist  
15 and be filled as provided by law.

16           (3) If the Florida Elections Commission finds that a  
17 successful candidate who is not subject to impeachment has  
18 violated s. 106.19(1), the commission shall recommend to the  
19 Governor that the successful candidate be suspended or removed  
20 from office for misfeasance. Such a recommendation by the  
21 commission to the Governor constitutes prima facie evidence  
22 that misfeasance occurred during the existing term of the  
23 officer or during the next preceding 4 years.

24           (4) If the Florida Elections Commission finds that a  
25 successful candidate has violated s. 106.19(1), a defeated  
26 candidate or any elector qualified to vote in the election  
27 related to such candidacy may, within 90 days after such a  
28 finding, petition the circuit court for relief. If the court  
29 finds that the outcome of the election was affected by the  
30 violation of s. 106.19(1), the court may fashion such orders  
31 as it considers necessary, including entering a judgment of

1 ouster, if the adverse party has been commissioned or is  
2 holding the office. If the court issues a judgment of ouster,  
3 a vacancy in office shall exist and be filled as provided by  
4 law.

5 (5) This section does not apply to legislative  
6 candidates.

7 Section 26. Subsection (2) of section 106.23, Florida  
8 Statutes, is amended to read:

9 106.23 Powers of the Division of Elections.--

10 (2) The Division of Elections shall provide advisory  
11 opinions when requested by any supervisor of elections,  
12 candidate, local officer having election-related duties,  
13 political party, political committee, committee of continuous  
14 existence, or other person or organization engaged in  
15 political activity, relating to any provisions or possible  
16 violations of Florida election laws except for those  
17 provisions of the Florida Election Code over which the Florida  
18 Elections Commission has jurisdiction with respect to actions  
19 such supervisor, candidate, local officer having  
20 election-related duties, political party, committee, person,  
21 or organization has taken or proposes to take. A written  
22 record of all such opinions issued by the division or the  
23 Florida Elections Commission, sequentially numbered, dated,  
24 and indexed by subject matter, shall be retained. Upon  
25 rendering an opinion, the division shall furnish a copy of the  
26 opinion to the commission.A copy shall be sent to said person  
27 or organization upon request. Any such person or  
28 organization, acting in good faith upon such an advisory  
29 opinion, shall not be subject to any criminal penalty provided  
30 for in this chapter. The opinion, until amended or revoked,  
31 shall be binding on any person or organization who sought the

1 opinion or with reference to whom the opinion was sought,  
2 unless material facts were omitted or misstated in the request  
3 for the advisory opinion.

4 Section 27. Paragraph (a) of subsection (1) and  
5 subsections (4), (6), and (7) of section 106.24, Florida  
6 Statutes, are amended to read:

7 106.24 Florida Elections Commission; membership;  
8 powers; duties.--

9 (1)(a) There is created within the Department of State  
10 ~~Legal Affairs, Office of the Attorney General,~~ a Florida  
11 Elections Commission, hereinafter referred to as the  
12 commission. The commission shall be a separate budget entity,  
13 and its director shall be the agency head for all purposes.  
14 The commission shall not be subject to control, supervision,  
15 or direction by the Department of State ~~Legal Affairs~~ or the  
16 Secretary of State ~~Attorney General~~ in the performance of its  
17 duties, including, but not limited to, personnel, purchasing  
18 transactions involving real or personal property, and  
19 budgetary matters. The Department of State shall provide  
20 administrative services to the commission.

21 (4) The commission shall appoint an executive  
22 director, who shall serve under the direction, supervision,  
23 and control of the commission. The executive director, with  
24 the consent of the commission, shall employ such staff,  
25 including a general counsel, as are necessary to adequately  
26 perform the functions of the commission, within budgetary  
27 limitations. All employees, except the executive director and  
28 attorneys, are subject to part II of chapter 110. The  
29 executive director shall serve at the pleasure of the  
30 commission. The executive director and the general counsel  
31 shall ~~and~~ be subject to part III of chapter 110, except that



1 the commission shall have complete authority for setting the  
2 executive director's salary. Attorneys employed by the  
3 commission shall be subject to part V of chapter 110.

4 (6) There is hereby established in the State Treasury  
5 an Elections Commission Trust Fund to be used ~~utilized~~ by the  
6 ~~Division of Elections and~~ the Florida Elections Commission in  
7 order to carry out its ~~their~~ duties pursuant to ss.  
8 106.24-106.28. ~~The trust fund may also be used by the~~  
9 ~~division, pursuant to its authority under s. 106.22(11), to~~  
10 ~~provide rewards for information leading to criminal~~  
11 ~~convictions related to voter registration fraud, voter fraud,~~  
12 ~~and vote scams.~~

13 (7) The commission shall develop a budget request  
14 pursuant to chapter 216 annually. The budget is not subject  
15 to change by the Department of State ~~Legal Affairs~~ or the  
16 Secretary of State ~~Attorney General~~, but it shall be submitted  
17 by the Department of State ~~Legal Affairs~~ to the Governor for  
18 transmittal to the Legislature.

19 Section 28. Subsections (1) and (2) of section 106.25,  
20 Florida Statutes, are amended to read:

21 106.25 Reports of alleged violations to Florida  
22 Elections Commission; disposition of findings.--

23 (1) Jurisdiction to investigate and determine  
24 violations of this chapter, and chapter 104, and ss. 105.071  
25 and 105.08 is vested in the Florida Elections Commission;  
26 however, nothing in this section limits the jurisdiction of  
27 any other officers or agencies of government empowered by law  
28 to investigate, act upon, or dispose of alleged violations of  
29 this code.

30 (2)(a) The commission shall investigate all violations  
31 of the Florida Elections Code ~~this chapter and chapter 104,~~

1 ~~but only after having received either a sworn complaint or~~  
2 ~~information reported to it by the Division of Elections. Any~~  
3 ~~filing officer who has information concerning any violation of~~  
4 ~~the Florida Election Code over which the commission has~~  
5 ~~jurisdiction shall immediately report the information, in~~  
6 ~~writing, to the Florida Elections Commission.~~Any person,  
7 other than the filing officer ~~division~~, having information  
8 concerning ~~of~~ any violation of the Florida Election Code over  
9 which the commission has jurisdiction ~~this chapter or chapter~~  
10 ~~104~~ shall file a sworn complaint with the commission. Such  
11 sworn complaint shall state whether a complaint of the same  
12 violation has been made to any state attorney. Within 5 days  
13 after receipt of the report from the filing officer or a sworn  
14 complaint, the commission shall transmit a copy of the report  
15 or complaint to the alleged violator.

16 (b) All sworn reports or complaints alleging  
17 violations of the Florida Election Code over which the  
18 commission has jurisdiction shall be filed with the commission  
19 within 2 years of the alleged violations. The period of  
20 limitations is tolled on the day a sworn complaint is filed  
21 with the commission.

22 (c) The standard of proof in all commission matters is  
23 a preponderance of the evidence.

24 Section 29. Subsection (13) of section 106.26, Florida  
25 Statutes, is amended to read:

26 106.26 Powers of commission; rights and  
27 responsibilities of parties; findings by commission.--

28 (13) The commission shall provide ~~may not issue~~  
29 advisory opinions when requested by any supervisor of  
30 elections, candidate, local officer having election-related  
31 duties, political party, political committee, committee of

1 continuous existence, or other person or organization engaged  
2 in political activity, relating to any provisions or possible  
3 violations of the Florida Election Code over which the  
4 commission has jurisdiction with respect to actions that such  
5 supervisor, candidate, local officer having election-related  
6 duties, political party, committee, person, or organization  
7 has taken or proposes to take and must, in all its  
8 deliberations and decisions, adhere to statutory law and  
9 advisory opinions of the division. The opinion, until amended  
10 or revoked, is binding on any person or organization who  
11 sought the opinion. The person or organization obtaining an  
12 opinion and relying in good faith on the opinion is not  
13 subject to any criminal penalty unless material facts were  
14 omitted or misstated in the request for the advisory opinion.  
15 The commission shall furnish a written copy of each opinion it  
16 issues to the Division of Elections. The division shall  
17 include all commission opinions with the division's opinions,  
18 and the combined opinions must be sequentially numbered,  
19 dated, and indexed by subject matter, and must be retained.

20 Section 30. Section 106.265, Florida Statutes, is  
21 amended to read:

22 106.265 Civil penalties.--

23 (1) The commission is authorized upon the finding of a  
24 violation of the Florida Election Code over which the  
25 commission has jurisdiction ~~this chapter or chapter 104~~ to  
26 impose civil penalties in the form of fines not to exceed  
27 \$5,000~~\$1,000~~ per count. In determining the amount of such  
28 civil penalties, the commission shall consider, among other  
29 mitigating and aggravating circumstances:

30 (a) The gravity of the act or omission;

31 (b) Any previous history of similar acts or omissions;

1 (c) The appropriateness of such penalty to the  
2 financial resources of the person, political committee,  
3 committee of continuous existence, or political party; and

4 (d) Whether the person, political committee, committee  
5 of continuous existence, or political party has shown good  
6 faith in attempting to comply with the provisions of this  
7 chapter, ~~or~~ chapter 104, or ss. 105.071 and 105.08.

8 (2) If any person, political committee, committee of  
9 continuous existence, or political party fails or refuses to  
10 pay to the commission any civil penalties assessed pursuant to  
11 the provisions of this section, the commission shall be  
12 responsible for collecting the civil penalties resulting from  
13 such action.

14 (3) Any civil penalty collected pursuant to the  
15 provisions of this section shall be deposited into the  
16 Elections Commission ~~Election Campaign Financing~~ Trust Fund.

17 (4) Notwithstanding any other provisions of this  
18 chapter, any fine assessed pursuant to the provisions of this  
19 chapter, which fine is designated to be deposited or which  
20 would otherwise be deposited into the General Revenue Fund of  
21 the state, shall be deposited into the Elections Commission  
22 ~~Election Campaign Financing~~ Trust Fund.

23 Section 31. Sections 105.09 and 106.085, Florida  
24 Statutes, are repealed.

25 Section 32. The sum of \$86,528 is appropriated from  
26 the General Revenue Fund to the Florida Elections Commission  
27 for the purpose of paying the salary and other administrative  
28 expenses necessary for one additional senior attorney position  
29 to carry out the provisions of this act during the 2001-2002  
30 fiscal year.

31

