

By Representative Ross

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 definition of "political
5 committee"; amending s. 106.03, F.S.; requiring
6 additional information for registration of
7 political committees; amending s. 106.04, F.S.;
8 requiring additional information for
9 certification of committees of continuous
10 existence; requiring membership dues of
11 committees of continuous existence to be
12 reported in the same manner as regular
13 contributions; removing requirement to provide
14 a membership list for inspection purposes;
15 removing requirement for filing duplicate
16 copies of reports; providing penalties;
17 amending s. 106.07, F.S., relating to campaign
18 treasurer's reports; revising reporting periods
19 and requirements; removing requirement for
20 duplicate reports; providing penalties;
21 creating s. 106.0705, F.S.; requiring campaign
22 treasurer's reports that are to be filed with
23 the Division of Elections to be filed
24 electronically when aggregate contributions or
25 expenditures exceed a specified amount;
26 providing filing requirements; providing
27 penalties; providing rulemaking authority;
28 amending s. 106.071, F.S.; revising provisions
29 relating to the reporting of certain
30 independent expenditures; providing penalties;
31 creating s. 106.073, F.S.; requiring certain

1 organizations that sponsor issue advertisements
2 to register under certain circumstances;
3 providing a definition; requiring certain
4 reports; providing requirements for such
5 advertisements, including a disclaimer;
6 providing penalties; providing rulemaking
7 authority; amending s. 106.12, F.S.; revising
8 the petty cash fund limit to conform to the
9 revised reporting periods; amending s. 106.29,
10 F.S., relating to reports by political parties;
11 revising reporting periods and requirements;
12 removing requirement for duplicate reports;
13 providing penalties; amending ss. 105.08,
14 106.025, 106.08, 106.141, and 106.18, F.S.,
15 relating to reporting requirements applicable
16 to candidates for retention to judicial office,
17 campaign fund raisers held on behalf of a
18 political party by its state or county
19 executive committee, nonallocable, in-kind
20 contributions by candidates and political
21 parties, disposition of surplus funds by
22 candidates, and the granting of certificates of
23 election, to conform; providing effective
24 dates.

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

Section 1. Effective upon this act becoming a law,
subsection (1) of section 106.011, Florida Statutes, is
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 the
13 passage or defeat of an issue;

14 c. Makes expenditures for the purpose of expressly
15 advocating the election or defeat of a candidate or the
16 passage or defeat of an issue; or

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

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

29 (b) Notwithstanding paragraph (a), the following
30 entities shall not be considered political committees for
31 purposes of this chapter:

1 1. Organizations which are certified by the Department
2 of State as committees of continuous existence pursuant to s.
3 106.04, national political parties, and the state and county
4 executive committees of political parties regulated by chapter
5 103 ~~shall not be considered political committees for the~~
6 ~~purposes of this chapter.~~

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

15 Section 2. Subsection (2) of section 106.03, Florida
16 Statutes, is amended to read:

17 106.03 Registration of political committees.--

18 (2) The statement of organization shall include:

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

20 (b) The names, addresses, and relationships of
21 affiliated or connected organizations;

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

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

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

28 (f) The name, address, office sought, and party
29 affiliation of:

30 1. Each candidate whom the committee is supporting;

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

4 (g) Any issue or issues such organization is
5 supporting or opposing;

6 (h) If the committee is supporting the entire ticket
7 of any party, a statement to that effect and the name of the
8 party;

9 (i) A statement of whether the committee is a
10 continuing one;

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

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

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

18 Section 3. Subsections (2) and (4) of section 106.04,
19 Florida Statutes, are amended to read:

20 106.04 Committees of continuous existence.--

21 (2) Any group, organization, association, or other
22 entity may seek certification from the Department of State as
23 a committee of continuous existence by filing an application
24 with the Division of Elections on a form provided by the
25 division. Such application shall provide the information
26 required of political committees by s. 106.03(2). Each
27 application shall be accompanied by the name and street
28 address of the principal officer of the applying entity as of
29 the date of the application; a copy of the charter or bylaws
30 of the organization; a copy of the dues or assessment schedule
31 of the organization, or formula by which dues or assessments

1 are levied; and a complete financial statement or annual audit
2 summarizing all income received, and all expenses incurred, by
3 the organization during the 12 months preceding the date of
4 application. ~~A membership list shall be made available for~~
5 ~~inspection if deemed necessary by the division.~~

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

15 (b)1. Each committee of continuous existence shall
16 file regular reports with the Division of Elections at the
17 same times and subject to the same filing conditions as are
18 established by s. 106.07(1) and (2) for candidates' reports or
19 as otherwise required by s. 106.0705.

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

24 (c) All committees of continuous existence shall file
25 ~~the original and one copy of~~ their reports with the Division
26 of Elections. In addition, ~~a duplicate copy of~~ each report
27 shall be filed with the supervisor of elections in the county
28 in which the committee maintains its books and records, except
29 that if the filing officer to whom the committee is required
30 to report is located in the same county as the supervisor no
31 ~~such duplicate~~ report is required to be filed with the

1 supervisor. Reports shall ~~be on forms provided by the~~
2 ~~division and shall~~ contain the following information:
3 1. The full name, address, and occupation of each
4 person who has made one or more contributions, including
5 contributions which represent the payment of membership dues,
6 to the committee during the reporting period, together with
7 the amounts and dates of such contributions. For
8 corporations, the report must provide as clear a description
9 as practicable of the principal type of business conducted by
10 the corporation. However, if the contribution is \$100 or
11 less, the occupation of the contributor or principal type of
12 business need not be listed. ~~However, for any contributions~~
13 ~~which represent the payment of dues by members in a fixed~~
14 ~~amount pursuant to the schedule on file with the Division of~~
15 ~~Elections, only the aggregate amount of such contributions~~
16 ~~need be listed, together with the number of members paying~~
17 ~~such dues and the amount of the membership dues.~~
18 2. The name and address of each political committee or
19 committee of continuous existence from which the reporting
20 committee received, or the name and address of each political
21 committee, committee of continuous existence, or political
22 party to which it made, any transfer of funds, together with
23 the amounts and dates of all transfers.
24 3. Any other receipt of funds not listed pursuant to
25 subparagraph 1. or subparagraph 2., including the sources and
26 amounts of all such funds.
27 4. The name and address of, and office sought by, each
28 candidate to whom the committee has made a contribution during
29 the reporting period, together with the amount and date of
30 each contribution.
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1 (d) The treasurer of each committee shall certify as
2 to the correctness of each report and shall bear the
3 responsibility for its accuracy and veracity. Any treasurer
4 who willfully certifies to the correctness of a report while
5 knowing that such report is incorrect, false, or incomplete
6 commits a misdemeanor of the first degree, punishable as
7 provided in s. 775.082 or s. 775.083.

8 (8)(a) Any committee of continuous existence failing
9 to file a report on the designated due date shall be subject
10 to a fine. The fine shall be \$500 per day for each late day,
11 not to exceed 25 percent of the total receipts or
12 expenditures, whichever is greater, for the period covered by
13 the late report. The fine shall be assessed by the filing
14 officer, and the moneys collected shall be deposited in the
15 Elections Commission Trust Fund. No separate fine shall be
16 assessed for failure to file a copy of any report required by
17 this section.

18 (b) Upon determining that a report is late, the filing
19 officer shall immediately notify the treasurer of the
20 committee as to the failure to file a report by the designated
21 due date and that a fine is being assessed for each late day.
22 Upon receipt of the report, the filing officer shall determine
23 the amount of fine which is due and shall notify the treasurer
24 of the committee. The filing officer shall determine the
25 amount of the fine due based upon the earliest of the
26 following:

- 27 1. When the report is actually received by such
28 officer.
- 29 2. When the report is postmarked.
- 30 3. When the certificate of mailing is dated.

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1 4. When the receipt from an established courier
2 company is dated.

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4 Such fine shall be paid to the filing officer within 20 days
5 after receipt of the notice of payment due, unless appeal is
6 made to the Florida Elections Commission pursuant to paragraph
7 (c). An officer or member of a committee shall not be
8 personally liable for such fine.

9 (c) Any treasurer of a committee may appeal or dispute
10 the fine, based upon unusual circumstances surrounding the
11 failure to file on the designated due date, and may request
12 and shall be entitled to a hearing before the Florida
13 Elections Commission, which shall have the authority to waive
14 the fine in whole or in part. Any such request shall be made
15 within 20 days after receipt of the notice of payment due. In
16 such case, the treasurer of the committee shall, within the
17 20-day period, notify the filing officer in writing of his or
18 her intention to bring the matter before the commission.

19 (d) The filing officer shall notify the Florida
20 Elections Commission of the repeated late filing by a
21 committee of continuous existence, the failure of a committee
22 of continuous existence to file a report after notice, or the
23 failure to pay the fine imposed.

24 Section 4. Subsections (1), (2), and (3) and paragraph
25 (a) of subsection (4) of section 106.07, Florida Statutes, are
26 amended to read:

27 106.07 Reports; certification and filing.--

28 (1) Each campaign treasurer designated by a candidate
29 or political committee pursuant to s. 106.021 shall file
30 regular reports of all contributions received, and all
31 expenditures made, by or on behalf of such candidate or

1 political committee in accordance with the deadlines and
2 requirements set forth below:

3 (a) From the time the campaign treasurer is appointed,
4 the reporting period shall be monthly, beginning on the 16th
5 of each month and ending on the 15th of the ensuing month.

6 Monthly reports shall be filed on the third business day after
7 the close of each reporting period ~~10th day following the end~~
8 ~~of each calendar quarter from the time the campaign treasurer~~
9 ~~is appointed, except that, if the due date 10th day following~~
10 ~~the end of a calendar quarter occurs on a Saturday, Sunday, or~~
11 ~~legal holiday, the report shall be filed on the next following~~
12 ~~day which is not a Saturday, Sunday, or legal holiday.~~

13 ~~Quarterly reports shall include all contributions received and~~
14 ~~expenditures made during the calendar quarter which have not~~
15 ~~otherwise been reported pursuant to this section.~~

16 ~~(b)(a) Except as provided in paragraph (b),~~ Following
17 the last day of qualifying for office, the reporting period
18 shall be weekly, beginning on Friday and ending on the ensuing
19 Thursday. Weekly reports shall be filed on the second business
20 day after the Thursday of each week, except that the last
21 report shall be filed on the Friday immediately preceding the
22 general election ~~32nd, 18th, and 4th days immediately~~
23 ~~preceding the first primary and on the 18th and 4th days~~
24 ~~immediately preceding the second primary and general election,~~
25 ~~for a candidate who is opposed in seeking nomination or~~
26 ~~election to any office, for a political committee, or for a~~
27 ~~committee of continuous existence.~~

28 ~~(b) Following the last day of qualifying for office,~~
29 ~~any statewide candidate who has requested to receive~~
30 ~~contributions from the Election Campaign Financing Trust Fund~~
31 ~~or any statewide candidate in a race with a candidate who has~~

1 ~~requested to receive contributions from the trust fund shall~~
2 ~~file reports on the 4th, 11th, 18th, 25th, and 32nd days prior~~
3 ~~to the first primary and general elections, and on the 4th,~~
4 ~~11th, 18th, and 25th days prior to the second primary.~~

5 (c) Notwithstanding paragraph (b), following the last
6 day of qualifying for office, any unopposed candidate need
7 only file a report within 90 days after the date such
8 candidate became unopposed. Such report shall contain all
9 previously unreported contributions and expenditures as
10 required by this section and shall reflect disposition of
11 funds as required by s. 106.141.

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

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

24 (e) Each report required to be filed under this
25 subsection shall include any contributions received or
26 expenditures made during any previous reporting period which
27 have not been reported.

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29 The filing officer shall provide each candidate with a
30 schedule designating the beginning and end of reporting
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1 periods as well as the corresponding ~~designated~~ due dates
2 designated in this subsection.

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

27 (b)1. Any report which is deemed to be incomplete by
28 the officer with whom the candidate qualifies shall be
29 accepted on a conditional basis, and the campaign treasurer
30 shall be notified by registered mail as to why the report is
31 incomplete and be given 3 days from receipt of such notice to

1 file an addendum to the report providing all information
2 necessary to complete the report in compliance with this
3 section. Failure to file a complete report after such notice
4 constitutes a violation of this chapter.

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

13 (3) Reports required of a political committee shall be
14 filed with the agency or officer before whom such committee
15 registers pursuant to s. 106.03(3) and shall be subject to the
16 same filing conditions as established for candidates' reports
17 under this section or as otherwise required by s. 106.0705.

18 ~~Only committees that file with the Department of State shall~~
19 ~~file the original and one copy of their reports.~~ Incomplete
20 reports by political committees shall be treated in the manner
21 provided for incomplete reports by candidates in subsection
22 (2).

23 (4)(a) Each report required by this section shall
24 contain:

25 1. The full name, address, and occupation, if any of
26 each person who has made one or more contributions to or for
27 such committee or candidate within the reporting period,
28 together with the amount and date of such contributions. For
29 corporations, the report must provide as clear a description
30 as practicable of the principal type of business conducted by
31 the corporation. However, if the contribution is \$100 or less

1 or is from a relative, as defined in s. 112.312, provided that
2 the relationship is reported, the occupation of the
3 contributor or the principal type of business need not be
4 listed.

5 2. The name and address of each political committee
6 from which the reporting committee or the candidate received,
7 or to which the reporting committee or candidate made, any
8 transfer of funds, together with the amounts and dates of all
9 transfers.

10 3. Each loan for campaign purposes to or from any
11 person or political committee within the reporting period,
12 together with the full names, addresses, and occupations, and
13 principal places of business, if any, of the lender and
14 endorsers, if any, and the date and amount of such loans.

15 4. A statement of each contribution, rebate, refund,
16 or other receipt not otherwise listed under subparagraphs 1.
17 through 3.

18 5. The total sums of all loans, in-kind contributions,
19 and other receipts by or for such committee or candidate
20 during the reporting period. The reporting forms shall be
21 designed to elicit separate totals for in-kind contributions,
22 loans, and other receipts.

23 6. The full name and address of each person to whom
24 expenditures have been made by or on behalf of the committee
25 or candidate within the reporting period; the amount, date,
26 and purpose of each such expenditure; and the name and address
27 of, and office sought by, each candidate on whose behalf such
28 expenditure was made. However, expenditures made from the
29 petty cash fund provided by s. 106.12 need not be reported
30 individually.

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1 7. The full name and address of each person to whom an
2 expenditure for personal services, salary, or reimbursement
3 for authorized expenses has been made and which is not
4 otherwise reported, including the amount, date, and purpose of
5 such expenditure. However, expenditures made from the petty
6 cash fund provided for in s. 106.12 need not be reported
7 individually.

8 8. The total amount withdrawn and the total amount
9 spent for petty cash purposes pursuant to this chapter during
10 the reporting period.

11 9. The total sum of expenditures made by such
12 committee or candidate during the reporting period.

13 10. The amount and nature of debts and obligations
14 owed by or to the committee or candidate, which relate to the
15 conduct of any political campaign.

16 11. A copy of each credit card statement which shall
17 be included in the next report following receipt thereof by
18 the candidate or political committee. Receipts for each credit
19 card purchase shall be retained by the treasurer with the
20 records for the campaign account.

21 12. The amount and nature of any separate
22 interest-bearing accounts or certificates of deposit and
23 identification of the financial institution in which such
24 accounts or certificates of deposit are located.

25 (5) The candidate and his or her campaign treasurer,
26 in the case of a candidate, or the political committee chair
27 and campaign treasurer of the committee, in the case of a
28 political committee, shall certify as to the correctness of
29 each report; and each person so certifying shall bear the
30 responsibility for the accuracy and veracity of each report.
31 Any campaign treasurer, candidate, or political committee

1 chair who willfully certifies the correctness of any report
2 while knowing that such report is incorrect, false, or
3 incomplete commits a misdemeanor of the first degree,
4 punishable as provided in s. 775.082 or s. 775.083.

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

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

15 2. In the general revenue fund of the political
16 subdivision, in the case of a candidate for an office of a
17 political subdivision or a political committee that registers
18 with an officer of a political subdivision.

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

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

1 for each late day, not to exceed 25 percent of the total
2 receipts or expenditures, whichever if greater, for the period
3 covered by the late report. Upon receipt of the report, the
4 filing officer shall determine the amount of the fine which is
5 due and shall notify the candidate or chair. The filing
6 officer shall determine the amount of the fine due based upon
7 the earliest of the following:

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

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

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

1 notify the filing officer in writing of his or her intention
2 to bring the matter before the commission.

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

8 Section 5. Section 106.0705, Florida Statutes, is
9 created to read:

10 106.0705 Electronic filing of campaign treasurer's
11 reports.--

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

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

24 (c) Each person or organization that is required to
25 file reports with the division under s. 106.071(1)(b) or s.
26 106.073, as applicable, and that accepts contributions or
27 makes expenditures in an aggregate amount in excess of \$10,000
28 in a calendar year must file such reports with the division by
29 means of electronic transfer.

30 (d) Reports required to be filed pursuant to s.
31 106.04, s. 106.07, s. 106.071(1)(a), s. 106.073, or s. 106.29

1 that are not subject to the electronic filing provisions of
2 this section may be on forms provided by the division.

3 (2) Reports filed pursuant to this section shall be
4 filed not later than 5 p.m. of the day designated. Reports
5 not received by 5 p.m. of the day designated are late filed
6 and are subject to the penalties under s. 106.04(8), s.
7 106.07(8), or s. 106.29(3), as applicable.

8 (3) Each report filed pursuant to this section is
9 considered to be under oath by the person filing the report,
10 and such person is subject to the provisions of s.
11 106.04(4)(d), s. 106.07(5), or s. 106.29(2), as applicable.

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

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

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

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

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

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

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

1 Section 6. 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 within
24 24 hours after publication with the qualifying officer of the
25 candidate supported or opposed by the expenditure. However,
26 any such expenditure published on the day of an election must
27 be reported on that day. The report shall contain the same
28 information as is required of reports under paragraph (a).

29 (c) Each report required under this subsection shall
30 be signed by the person submitting the report and certified as
31 true and correct, subject to the conditions and penalties

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

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

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

16 (3) No person may make a contribution in excess of
17 \$1,000 to any other person, to be used by such other person to
18 make an independent expenditure.

19 Section 7. Section 106.073, Florida Statutes, is
20 created to read:

21 106.073 Issue advertisements; registration; reports;
22 disclaimers.--

23 (1) For purposes of this section, the term "issue
24 advertisement" means a paid expression in any communications
25 media described in s. 106.011(13), whether radio, television,
26 newspaper, magazine, periodical, campaign literature, direct
27 mail, or display or by means other than the spoken word in
28 direct conversation, which does not specifically support or
29 oppose any candidate, elected public official, or issue, but
30 which does substantially mention or show a clearly
31 identifiable candidate for election or reelection and is

1 distributed at any point during the period following the last
2 day of qualifying for that candidacy through the ensuing
3 general election and which, when examined by a reasonable
4 person, would be understood as, and is therefore presumed to
5 be, a communication made for the purpose of influencing the
6 results of an election on that candidacy during that period,
7 and for which aggregate expenditures on like advertisements
8 exceed \$1,000.

9 (2) Any nonprofit organization recognized under s.
10 501(c)(3) or s. 501(c)(6) of the Internal Revenue Code or
11 political organization recognized under s. 527 of the Internal
12 Revenue Code that engages in issue advertising in this state
13 must register with the division within 24 hours after
14 publication of any issue advertisement it has sponsored. Such
15 organization shall provide the information required of
16 political committees under s. 106.03(2) and shall also file a
17 complete financial statement summarizing all income received,
18 and all expenses incurred, by the organization since the end
19 of its last completed fiscal year.

20 (3)(a) An organization registered under this section
21 shall file regular reports of all contributions received or
22 expenditures made at the same times, subject to the same
23 filing conditions, and providing the same information as is
24 required by s. 106.07(1) and (2) for candidates' reports or as
25 otherwise required by s. 106.0705.

26 (b) An organization registered or required to register
27 under this section shall file reports of such advertisements
28 within 24 hours after publication thereof with the qualifying
29 officer of the candidate mentioned or shown in the
30 advertisement. However, any such expenditure published on the
31 day of an election must be reported on that day. The report

1 shall contain the full name and address of each person to whom
2 payment for the advertisement has been made or obligated; the
3 date and purpose of such advertisement; a description of the
4 advertisement; and the name and address of, and office sought
5 by, each candidate mentioned or shown in the advertisement.

6 (c) Each report required under this subsection shall
7 be signed by the person submitting the report on behalf of the
8 organization and certified as true and correct, subject to the
9 conditions and penalties prescribed in s. 106.07(5). Any
10 organization failing to file a report on the designated due
11 date shall be subject to a fine as provided in s. 106.07(8)
12 for submitting late reports.

13 (4)(a) Any issue advertisement paid for by an
14 organization registered or required to register under this
15 section shall prominently state "Paid issue advertisement paid
16 for by ...(Name of organization paying for advertisement)...
17 and not paid for or authorized by ...(candidate)...," and
18 shall contain the name and address of the person paying for
19 the issue advertisement.

20 (b) Any person who fails to include the disclaimer
21 prescribed in paragraph (a) in any issue advertisement which
22 is required to contain such disclaimer commits a misdemeanor
23 of the first degree, punishable as provided in s. 775.082 or
24 s. 775.083.

25 (5) The division shall adopt rules pursuant to ss.
26 120.536(1) and 120.54 to implement the provisions of this
27 section.

28 Section 8. Subsection (1) of section 106.12, Florida
29 Statutes, is amended to read:

30 106.12 Petty cash funds allowed.--
31

1 (1) Each campaign treasurer designated pursuant to s.
2 106.021(1) for a candidate or political committee is
3 authorized to withdraw from the primary campaign account,
4 until the close of the last day for qualifying for office, the
5 amount of ~~\$200~~\$500 per ~~monthly~~ ~~calendar~~ ~~quarter~~ reporting
6 period for the purpose of providing a petty cash fund for the
7 candidate or political committee.

8 Section 9. Subsection (1) of section 106.29, Florida
9 Statutes, is amended to read:

10 106.29 Reports by political parties; restrictions on
11 contributions and expenditures; penalties.--

12 (1) The state executive committee and each county
13 executive committee of each political party regulated by
14 chapter 103 shall file regular reports of all contributions
15 received and all expenditures made by such committee. Such
16 reports shall contain the same information as do reports
17 required of candidates by s. 106.07 and shall be filed at the
18 same times and subject to the same filing conditions as are
19 established by s. 106.07(1) and (2) for candidates' reports or
20 as otherwise required by s. 106.0705 ~~on the 10th day following~~
21 ~~the end of each calendar quarter, except that, during the~~
22 ~~period from the last day for candidate qualifying until the~~
23 ~~general election, such reports shall be filed on the Friday~~
24 ~~immediately preceding the first primary election, the second~~
25 ~~primary election, and the general election. Each state~~
26 ~~executive committee shall file the original and one copy of~~
27 ~~its reports with the Division of Elections. Each county~~
28 executive committee shall file its reports with the supervisor
29 of elections in the county in which such committee exists.
30 Any state or county executive committee failing to file a
31 report on the designated due date shall be subject to a fine

1 as provided in subsection (3). No separate fine shall be
2 assessed for failure to file a copy of any report required by
3 this section.

4 (2) The chair and treasurer of each state or county
5 executive committee shall certify as to the correctness of
6 each report filed by them on behalf of such committee. Any
7 committee chair or treasurer who certifies the correctness of
8 any report while knowing that such report is incorrect, false,
9 or incomplete commits a felony of the third degree, punishable
10 as provided in s. 775.082, s. 775.083, or s. 775.084.

11 (3)(a) Any state or county executive committee failing
12 to file a report on the designated due date shall be subject
13 to a fine as provided in paragraph (b) for each late day. The
14 fine shall be assessed by the filing officer, and the moneys
15 collected shall be deposited in the Elections Commission Trust
16 Fund.

17 (b) Upon determining that a report is late, the filing
18 officer shall immediately notify the chair of the executive
19 committee as to the failure to file a report by the designated
20 due date and that a fine is being assessed for each late day.
21 The fine shall be \$1,000 for a state executive committee, and
22 \$50 for a county executive committee, per day for each late
23 day, not to exceed 25 percent of the total receipts or
24 expenditures, whichever is greater, for the period covered by
25 the late report. However, if an executive committee fails to
26 file a report on the Friday immediately preceding the general
27 election, the fine shall be \$10,000 per day for each day a
28 state executive committee is late and \$500 per day for each
29 day a county executive committee is late. Upon receipt of the
30 report, the filing officer shall determine the amount of the
31 fine which is due and shall notify the chair. The filing

1 officer shall determine the amount of the fine due based upon
2 the earliest of the following:

3 1. When the report is actually received by such
4 officer.

5 2. When the report is postmarked.

6 3. When the certificate of mailing is dated.

7 4. When the receipt from an established courier
8 company is dated.

9

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

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

25 (d) The appropriate filing officer shall notify the
26 Florida Elections Commission of the repeated late filing by an
27 executive committee, the failure of an executive committee to
28 file a report after notice, or the failure to pay the fine
29 imposed.

30 Section 10. Subsection (2) of section 105.08, Florida
31 Statutes, is amended to read:

1 105.08 Campaign contribution and expense; reporting.--
2 (2) Notwithstanding any other provision of this
3 chapter or chapter 106, a candidate for retention as a justice
4 or a judge who has not received any contribution or made any
5 expenditure may file a sworn statement at the time of
6 qualifying that he or she does not anticipate receiving
7 contributions or making expenditures in connection with the
8 candidacy for retention to office. Such candidate shall file
9 a final report pursuant to s. 106.141, within 90 days
10 following the general election for which the candidate's name
11 appeared on the ballot for retention. Any such candidate for
12 retention to judicial office who, after filing a statement
13 pursuant to this subsection, receives any contribution or
14 makes any expenditure in connection with the candidacy for
15 retention shall immediately file a statement to that effect
16 with the qualifying officer and shall begin filing reports as
17 an opposed candidate pursuant to s. 106.07 or s. 106.0705.

18 Section 11. Subsection (2) of section 106.025, Florida
19 Statutes, is amended to read:

20 106.025 Campaign fund raisers.--

21 (2) This section shall not apply to any campaign fund
22 raiser held on behalf of a political party by the state or
23 county executive committee of such party, provided that the
24 proceeds of such campaign fund raiser are reported pursuant to
25 s. 106.29 or s. 106.0705.

26 Section 12. Paragraph (b) of subsection (2) of section
27 106.08, Florida Statutes, is amended to read:

28 106.08 Contributions; limitations on.--

29 (2)

30 (b) Polling services, research services, costs for
31 campaign staff, professional consulting services, and

1 telephone calls are not contributions to be counted toward the
2 contribution limits of paragraph (a). Any item not expressly
3 identified in this paragraph as nonallocable is a contribution
4 in an amount equal to the fair market value of the item and
5 must be counted as allocable toward the \$50,000 contribution
6 limits of paragraph (a). Nonallocable, in-kind contributions
7 must be reported by the candidate under s. 106.07 or s.
8 106.0705 and by the political party under s. 106.29 or s.
9 106.0705.

10 Section 13. Subsection (8) of section 106.141, Florida
11 Statutes, is amended to read:

12 106.141 Disposition of surplus funds by candidates.--

13 (8) Any candidate elected to office who transfers
14 surplus campaign funds into an office account pursuant to
15 subsection (5) shall file a report each reporting period as
16 specified in s. 106.07 ~~on the 10th day following the end of~~
17 ~~each calendar quarter~~ until the account is closed. Such
18 reports shall contain the name and address of each person to
19 whom any disbursement of funds was made, together with the
20 amount thereof and the purpose therefor, and the name and
21 address of any person from whom the elected candidate received
22 any refund or reimbursement and the amount thereof. Such
23 reports shall be on forms prescribed by the Division of
24 Elections, signed by the elected candidate, certified as true
25 and correct, and filed with the officer with whom campaign
26 reports were filed pursuant to s. 106.07(2).

27 Section 14. Subsection (3) of section 106.18, Florida
28 Statutes, is amended to read:

29 106.18 When a candidate's name to be omitted from
30 ballot.--

31

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

7 Section 15. Except as otherwise provided herein, this
8 act shall take effect October 1, 2001.

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HOUSE SUMMARY

Amends various reporting requirements under the Florida
Election Code. Modifies the definition of "political
committee." Requires additional information for
registration of political committees and certification of
committees of continuous existence. Requires membership
dues of committees of continuous existence to be reported
in the same manner as regular contributions. Removes
requirement of committees of continuous existence to
provide a membership list for inspection purposes.
Removes requirement for filing duplicate copies of
reports. Revises reporting periods and requirements.
Requires reports that are to be filed with the Division
of Elections to be filed electronically when aggregate
contributions or expenditures exceed a specified amount.
Revises provisions relating to the reporting of certain
independent expenditures. Requires certain organizations
that sponsor issue advertisements to register under
certain circumstances and to submit regular contribution
and expenditure reports. Provides requirements for such
advertisements, including a disclaimer. Revises the
petty cash fund limit to conform to the revised reporting
periods. See bill for details.