

By the Procedural & Redistricting Council and Committee on Rules, Ethics & Elections and Representatives Ross, Goodlette and Byrd

1 A bill to be entitled
2 An act relating to reporting requirements under
3 the Florida Election Code; amending s. 106.011,
4 F.S.; modifying the definitions of "political
5 committee" and "communications media"; amending
6 s. 106.03, F.S.; requiring additional
7 information for registration of political
8 committees; amending s. 106.04, F.S.; requiring
9 additional information for certification of
10 committees of continuous existence; revising
11 reporting periods and requirements; requiring
12 electronic filing under certain circumstances;
13 requiring membership dues of committees of
14 continuous existence to be reported in the same
15 manner as regular contributions; removing
16 requirement to provide a membership list for
17 inspection purposes; removing requirement for
18 filing duplicate copies of reports; providing
19 penalties; amending s. 106.07, F.S., relating
20 to campaign treasurer's reports; revising
21 reporting periods and requirements; removing
22 requirement for duplicate reports; providing
23 penalties; creating s. 106.0705, F.S.;
24 requiring campaign treasurer's reports that are
25 to be filed with the Division of Elections to
26 be filed electronically when aggregate
27 contributions or expenditures exceed a
28 specified amount; providing filing
29 requirements; providing penalties; providing
30 rulemaking authority; amending s. 106.071,
31 F.S.; revising provisions relating to the

1 reporting of certain independent expenditures;
2 providing penalties; creating s. 106.073, F.S.;
3 requiring certain organizations that sponsor
4 campaign-related advertisements to register
5 under certain circumstances; providing
6 definitions; requiring certain reports;
7 providing requirements for such advertisements,
8 including a disclaimer; providing penalties;
9 providing rulemaking authority; amending s.
10 106.12, F.S.; revising the petty cash fund
11 limit to conform to the revised reporting
12 periods; amending s. 106.29, F.S., relating to
13 reports by political parties; requiring
14 electronic filing under certain circumstances;
15 removing requirement for duplicate reports;
16 providing penalties; amending ss. 105.08,
17 106.025, 106.08, and 106.18, F.S., relating to
18 reporting requirements applicable to candidates
19 for retention to judicial office, campaign fund
20 raisers held on behalf of a political party by
21 its state or county executive committee,
22 nonallocable, in-kind contributions by
23 candidates and political parties, and the
24 granting of certificates of election, to
25 conform; providing severability; providing
26 effective dates.

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Effective upon this act becoming a law,
2 subsections (1) and (13) of section 106.011, Florida Statutes,
3 are amended to read:
4 106.011 Definitions.--As used in this chapter, the
5 following terms have the following meanings unless the context
6 clearly indicates otherwise:
7 (1)(a) "Political committee" means:
8 1. A combination of two or more individuals, or a
9 person other than an individual, that in an aggregate amount
10 in excess of \$500 during a calendar year:
11 a. Accepts contributions for the purpose of making
12 contributions to any candidate, political committee, committee
13 of continuous existence, or political party;
14 b. Accepts contributions for the purpose of expressly
15 advocating the election or defeat of a candidate or the
16 passage or defeat of an issue;
17 c. Makes expenditures for the purpose of expressly
18 advocating the election or defeat of a candidate or the
19 passage or defeat of an issue; or
20 d. Makes contributions to a common fund, other than a
21 joint checking account between spouses, from which
22 contributions are made to any candidate, political committee,
23 committee of continuous existence, or political party.~~the~~
24 ~~primary or incidental purpose of which is to support or oppose~~
25 ~~any candidate, issue, or political party, which accepts~~
26 ~~contributions or makes expenditures during a calendar year in~~
27 ~~an aggregate amount in excess of \$500; "political committee"~~
28 ~~also means~~
29 2. The sponsor of a proposed constitutional amendment
30 by initiative who intends to seek the signatures of registered
31 electors.

1 (b) Notwithstanding paragraph (a), the following
2 entities shall not be considered political committees for
3 purposes of this chapter:

4 1. Organizations which are certified by the Department
5 of State as committees of continuous existence pursuant to s.
6 106.04, national political parties, and the state and county
7 executive committees of political parties regulated by chapter
8 103 ~~shall not be considered political committees for the~~
9 ~~purposes of this chapter.~~

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

18 (13) "Communications media" means broadcasting
19 stations, newspapers, magazines, outdoor advertising
20 facilities, printers, direct mailing companies, advertising
21 agencies, the Internet, and telephone companies; but with
22 respect to telephones, an expenditure shall be deemed to be an
23 expenditure for the use of communications media only if made
24 for the costs of telephones, paid telephonists, or automatic
25 telephone equipment to be used by a candidate or a political
26 committee to communicate with potential voters but excluding
27 any costs of telephones incurred by a volunteer for use of
28 telephones by such volunteer.

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

31 106.03 Registration of political committees.--

- 1 (2) The statement of organization shall include:
2 (a) The name and address of the committee;
3 (b) The names, addresses, and relationships of
4 affiliated or connected organizations;
5 (c) The area, scope, or jurisdiction of the committee;
6 (d) The name, address, ~~and position~~, and principal
7 employer of the custodian of books and accounts;
8 (e) The name, address, ~~and position~~, and principal
9 employer of each other principal officer ~~officers~~, including
10 officers and members of the finance committee, if any;
11 (f) The name, address, office sought, and party
12 affiliation of:
13 1. Each candidate whom the committee is supporting;
14 2. Any other individual, if any, whom the committee is
15 supporting for nomination for election, or election, to any
16 public office whatever;
17 (g) Any issue or issues such organization is
18 supporting or opposing;
19 (h) If the committee is supporting the entire ticket
20 of any party, a statement to that effect and the name of the
21 party;
22 (i) A statement of whether the committee is a
23 continuing one;
24 (j) Plans for the disposition of residual funds which
25 will be made in the event of dissolution;
26 (k) A listing of all banks, safe-deposit boxes, or
27 other depositories used for committee funds; and
28 (l) A statement of the reports required to be filed by
29 the committee with federal officials, if any, and the names,
30 addresses, and positions of such officials.
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1 Section 3. Subsections (2) and (4) of section 106.04,
2 Florida Statutes, are amended to read:
3 106.04 Committees of continuous existence.--
4 (2) Any group, organization, association, or other
5 entity may seek certification from the Department of State as
6 a committee of continuous existence by filing an application
7 with the Division of Elections on a form provided by the
8 division. Such application shall provide the information
9 required of political committees by s. 106.03(2). Each
10 application shall be accompanied by the name and street
11 address of the principal officer of the applying entity as of
12 the date of the application; a copy of the charter or bylaws
13 of the organization; a copy of the dues or assessment schedule
14 of the organization, or formula by which dues or assessments
15 are levied; and a complete financial statement or annual audit
16 summarizing all income received, and all expenses incurred, by
17 the organization during the 12 months preceding the date of
18 application. ~~A membership list shall be made available for~~
19 ~~inspection if deemed necessary by the division.~~
20 (4)(a) Each committee of continuous existence shall
21 file an annual report with the Division of Elections during
22 the month of January. Such annual reports shall contain the
23 same information and shall be accompanied by the same
24 materials as original applications filed pursuant to
25 subsection (2). However, the charter or bylaws need not be
26 filed if the annual report is accompanied by a sworn statement
27 by the chair that no changes have been made to such charter or
28 bylaws since the last filing.
29 (b)1. Each committee of continuous existence shall
30 file regular reports with the Division of Elections at the
31 same times and subject to the same filing conditions as are

1 established by s. 106.07(1) ~~and (2)~~ for ~~candidates'~~ reports
2 required of political committees or as otherwise required by
3 s. 106.0705.

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

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

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

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1 ~~need be listed, together with the number of members paying~~
2 ~~such dues and the amount of the membership dues.~~

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

9 3. Any other receipt of funds not listed pursuant to
10 subparagraph 1. or subparagraph 2., including the sources and
11 amounts of all such funds.

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

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

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

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

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

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

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

1 20-day period, notify the filing officer in writing of his or
2 her intention to bring the matter before the commission.

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

8 Section 4. Subsections (1), (2), and (3) of section
9 106.07, Florida Statutes, are amended to read:

10 106.07 Reports; certification and filing.--

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

25 1.(a) Except as provided in subparagraph 2. paragraph
26 ~~(b)~~, following the last day of qualifying for office, the
27 reports shall be filed on the 32nd, 18th, and 4th days
28 immediately preceding the first primary and on the 18th and
29 4th days immediately preceding the second primary and general
30 election, for a candidate who is opposed in seeking nomination
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1 or election to any office, ~~for a political committee, or for a~~
2 ~~committee of continuous existence.~~

3 2.(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 3.(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 receipt and 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 (b) Each campaign treasurer designated by a political
30 committee pursuant to s. 106.021 shall file regular reports of
31 all contributions received, and all expenditures made, by or

1 on behalf of such political committee in accordance with the
2 deadlines and requirements set forth below:

3 1. 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, except that, if the due
8 date occurs on a Saturday, Sunday, or legal holiday, the
9 report shall be filed on the next following day which is not a
10 Saturday, Sunday, or legal holiday.

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

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

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

27 (2)(a) All reports required of a candidate by this
28 section shall be filed with the officer before whom the
29 candidate is required by law to qualify. ~~All candidates who~~
30 ~~file with the Department of State shall file the original and~~
31 ~~one copy of their reports.~~ In addition, a copy of each report

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

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

29 2. In lieu of the notice by registered mail as
30 required in subparagraph 1., the qualifying officer may notify
31 the campaign treasurer by telephone that the report is

1 incomplete and request the information necessary to complete
2 the report. If, however, such information is not received by
3 the qualifying officer within 3 days of the telephone request
4 therefor, notice shall be sent by registered mail as provided
5 in subparagraph 1.

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

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

28 (8)(a) Any candidate or political committee failing to
29 file a report on the designated due date shall be subject to a
30 fine as provided in paragraph (b) for each late day, and, in
31 the case of a candidate, such fine shall be paid only from

1 personal funds of the candidate. The fine shall be assessed
2 by the filing officer and the moneys collected shall be
3 deposited:
4 1. In the Elections Commission Trust Fund, in the case
5 of a candidate for state office or a political committee that
6 registers with the Division of Elections; or
7 2. In the general revenue fund of the political
8 subdivision, in the case of a candidate for an office of a
9 political subdivision or a political committee that registers
10 with an officer of a political subdivision.
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12 No separate fine shall be assessed for failure to file a copy
13 of any report required by this section.
14 (b) Upon determining that a report is late, the filing
15 officer shall immediately notify the candidate or chair of the
16 political committee as to the failure to file a report by the
17 designated due date and that a fine is being assessed for each
18 late day. The fine shall be \$50 per day for the first 3 days
19 late and, thereafter, \$500 per day for each late day, not to
20 exceed 25 percent of the total receipts or expenditures,
21 whichever is greater, for the period covered by the late
22 report. However, for the reports immediately preceding each
23 primary and general election, the fine shall be \$500 per day
24 for each late day, not to exceed 25 percent of the total
25 receipts or expenditures, whichever if greater, for the period
26 covered by the late report. Upon receipt of the report, the
27 filing officer shall determine the amount of the fine which is
28 due and shall notify the candidate or chair. The filing
29 officer shall determine the amount of the fine due based upon
30 the earliest of the following:
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- 1 1. When the report is actually received by such
- 2 officer.
- 3 2. When the report is postmarked.
- 4 3. When the certificate of mailing is dated.
- 5 4. When the receipt from an established courier
- 6 company is dated.

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

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

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

1 Section 5. Section 106.0705, Florida Statutes, is
2 created to read:

3 106.0705 Electronic filing of campaign treasurer's
4 reports.--

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

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

17 (c) Reports required to be filed pursuant to s.
18 106.04, s. 106.07, or s. 106.29 that are not subject to the
19 electronic filing provisions of this section may be on forms
20 provided by the division.

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

27 (b) Statewide candidates who have requested to receive
28 contributions under the provisions of the Florida Election
29 Campaign Financing Act and statewide candidates in races with
30 candidates who have requested to receive contributions under
31 such act shall file their last reports not later than noon on

1 the Friday immediately preceding the general election. Reports
2 not received by noon of that day as required are late filed
3 and are subject to the penalties provided in s. 106.07(8).

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

8 (4) The division shall adopt rules pursuant to ss.
9 120.536(1) and 120.54 to administer this section, to provide
10 for the reports required to be filed pursuant to this section,
11 and to provide that:

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

14 (b) The electronic filing system be accessible by
15 anyone with Internet access using standard web-browsing
16 software.

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

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

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

25 (f) The division issue an electronic receipt to the
26 person submitting the report indicating and verifying that the
27 report has been filed and received.

28 Section 6. Section 106.071, Florida Statutes, is
29 amended to read:

30 106.071 Independent expenditures; reports;
31 disclaimers.--

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

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

28 (c) Each report required under this subsection shall
29 be signed by the person submitting the report and certified as
30 true and correct, subject to the conditions and penalties
31 prescribed in s. 106.07(5). Any person failing to file a

1 report on the designated due date shall be subject to a fine
2 as provided in s. 106.07(8) for submitting late reports.

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

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

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

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

20 106.073 Campaign-related advertisements; registration;
21 reports; disclaimers.--

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

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

1 point during the period following the last day of qualifying
2 for that candidacy through the ensuing general election, and
3 is distributed within the geographic location represented by
4 the office sought by the candidate mentioned or shown and
5 which, when examined by a reasonable person, would be
6 understood as, and is therefore presumed to be, a
7 communication made for the purpose of influencing the results
8 of an election on that candidacy during that period, and for
9 which aggregate expenditures on like advertisements exceed
10 \$1,000. However, "campaign-related advertisement" does not
11 include editorial endorsements by any newspaper, radio or
12 television station, or other recognized news medium.

13 (b) "Organization" means a person as defined in s.
14 106.011(8), any organization recognized under s. 501(c) of the
15 Internal Revenue Code, or any political organization
16 recognized under s. 527 of the Internal Revenue Code.
17 However, "organization" does not include individuals who act
18 independently and expend only their own resources.

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

28 (3)(a) An organization registered under this section
29 shall file regular reports with the filing officer of all
30 funds received at the same times, subject to the same filing
31

1 conditions, and providing the same information as is required
2 by s. 106.07 for reports required of political committees.
3 (b) Any organization registered or required to
4 register under this section shall file a report of each
5 campaign-related advertisement within 24 hours after initial
6 publication thereof, or upon any change of information
7 required by such report, with the filing officer. However,
8 for any campaign-related advertisement published on the day of
9 an election, the report shall be filed on that day. The
10 report shall contain the full name and address of each person
11 to whom payment for the advertisement has been made or
12 obligated; the date and purpose of such advertisement; a
13 description of the advertisement; and the name and address of,
14 and office sought by, each candidate mentioned or shown in the
15 advertisement.
16 (c) Each report required under this subsection shall
17 be signed by the person submitting the report on behalf of the
18 organization and certified as true and correct, subject to the
19 conditions and penalties prescribed in s. 106.07(5). Any
20 organization failing to file a report on the designated due
21 date shall be subject to a fine as provided in s. 106.07(8)
22 for submitting late reports.
23 (4)(a) Any campaign-related advertisement paid for by
24 an organization registered or required to register under this
25 section shall prominently state "Paid campaign-related
26 advertisement paid for by ...(insert name of organization
27 paying for advertisement)... and not paid for or authorized by
28 ...(insert name of candidate mentioned or shown)...," and
29 shall contain the name and address of the organization paying
30 for the campaign-related advertisement. However, any
31 campaign-related advertisement made by means of a telephone

1 call must state either "Paid for by ...(insert name of
2 organization sponsoring the call)..." or "Paid for on behalf
3 of ...(insert name of organization authorizing call)...."
4 (b) The person responsible for submitting reports on
5 behalf of an organization registered or required to register
6 under this section shall be responsible for including the
7 disclaimer required under paragraph (a). Any such person who
8 willfully fails to include the disclaimer in any
9 campaign-related advertisement which is required to contain
10 such disclaimer shall be liable for a civil fine of up to
11 \$5,000 to be determined by the Florida Elections Commission or
12 the entire amount of the expenditure, whichever is greater.

13 (5) The division may adopt rules pursuant to ss.
14 120.536(1) and 120.54 to implement the provisions of this
15 section.

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

18 106.12 Petty cash funds allowed.--

19 (1) Each campaign treasurer designated pursuant to s.
20 106.021(1) for a candidate or political committee is
21 authorized to withdraw from the primary campaign account,
22 until the close of the last day for qualifying for office, the
23 amount of \$500 per calendar quarter reporting period for a
24 candidate and \$200 per monthly reporting period for a
25 political committee for the purpose of providing a petty cash
26 fund ~~for the candidate or political committee.~~

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

29 106.29 Reports by political parties; restrictions on
30 contributions and expenditures; penalties.--

31

1 (1) The state executive committee and each county
2 executive committee of each political party regulated by
3 chapter 103 shall file regular reports of all contributions
4 received and all expenditures made by such committee. Such
5 reports shall contain the same information as do reports
6 required of candidates by s. 106.07 and shall be filed on the
7 10th day following the end of each calendar quarter, except
8 that, during the period from the last day for candidate
9 qualifying until the general election, such reports shall be
10 filed on the Friday immediately preceding the first primary
11 election, the second primary election, and the general
12 election, except as otherwise provided by s. 106.0705. ~~Each~~
13 ~~state executive committee shall file the original and one copy~~
14 ~~of its reports with the Division of Elections.~~ Each county
15 executive committee shall file its reports with the supervisor
16 of elections in the county in which such committee exists.
17 Any state or county executive committee failing to file a
18 report on the designated due date shall be subject to a fine
19 as provided in subsection (3). No separate fine shall be
20 assessed for failure to file a copy of any report required by
21 this section.

22 (2) The chair and treasurer of each state or county
23 executive committee shall certify as to the correctness of
24 each report filed by them on behalf of such committee. Any
25 committee chair or treasurer who certifies the correctness of
26 any report while knowing that such report is incorrect, false,
27 or incomplete commits a felony of the third degree, punishable
28 as provided in s. 775.082, s. 775.083, or s. 775.084.

29 (3)(a) Any state or county executive committee failing
30 to file a report on the designated due date shall be subject
31 to a fine as provided in paragraph (b) for each late day. The

1 fine shall be assessed by the filing officer, and the moneys
2 collected shall be deposited in the Elections Commission Trust
3 Fund.

4 (b) Upon determining that a report is late, the filing
5 officer shall immediately notify the chair of the executive
6 committee as to the failure to file a report by the designated
7 due date and that a fine is being assessed for each late day.
8 The fine shall be \$1,000 for a state executive committee, and
9 \$50 for a county executive committee, per day for each late
10 day, not to exceed 25 percent of the total receipts or
11 expenditures, whichever is greater, for the period covered by
12 the late report. However, if an executive committee fails to
13 file a report on the Friday immediately preceding the general
14 election, the fine shall be \$10,000 per day for each day a
15 state executive committee is late and \$500 per day for each
16 day a county executive committee is late. Upon receipt of the
17 report, the filing officer shall determine the amount of the
18 fine which is due and shall notify the chair. The filing
19 officer shall determine the amount of the fine due based upon
20 the earliest of the following:

- 21 1. When the report is actually received by such
22 officer.
- 23 2. When the report is postmarked.
- 24 3. When the certificate of mailing is dated.
- 25 4. When the receipt from an established courier
26 company is dated.

27
28 Such fine shall be paid to the filing officer within 20 days
29 after receipt of the notice of payment due, unless appeal is
30 made to the Florida Elections Commission pursuant to paragraph
31

1 (c). An officer or member of an executive committee shall not
2 be personally liable for such fine.

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

13 (d) The appropriate filing officer shall notify the
14 Florida Elections Commission of the repeated late filing by an
15 executive committee, the failure of an executive committee to
16 file a report after notice, or the failure to pay the fine
17 imposed.

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

20 105.08 Campaign contribution and expense; reporting.--

21 (2) Notwithstanding any other provision of this
22 chapter or chapter 106, a candidate for retention as a justice
23 or a judge who has not received any contribution or made any
24 expenditure may file a sworn statement at the time of
25 qualifying that he or she does not anticipate receiving
26 contributions or making expenditures in connection with the
27 candidacy for retention to office. Such candidate shall file
28 a final report pursuant to s. 106.141, within 90 days
29 following the general election for which the candidate's name
30 appeared on the ballot for retention. Any such candidate for
31 retention to judicial office who, after filing a statement

1 pursuant to this subsection, receives any contribution or
2 makes any expenditure in connection with the candidacy for
3 retention shall immediately file a statement to that effect
4 with the qualifying officer and shall begin filing reports as
5 an opposed candidate pursuant to s. 106.07 or s. 106.0705.

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

8 106.025 Campaign fund raisers.--

9 (2) This section shall not apply to any campaign fund
10 raiser held on behalf of a political party by the state or
11 county executive committee of such party, provided that the
12 proceeds of such campaign fund raiser are reported pursuant to
13 s. 106.29 or s. 106.0705.

14 Section 12. Paragraph (b) of subsection (2) of section
15 106.08, Florida Statutes, is amended to read:

16 106.08 Contributions; limitations on.--

17 (2)

18 (b) Polling services, research services, costs for
19 campaign staff, professional consulting services, and
20 telephone calls are not contributions to be counted toward the
21 contribution limits of paragraph (a). Any item not expressly
22 identified in this paragraph as nonallocable is a contribution
23 in an amount equal to the fair market value of the item and
24 must be counted as allocable toward the \$50,000 contribution
25 limits of paragraph (a). Nonallocable, in-kind contributions
26 must be reported by the candidate under s. 106.07 or s.
27 106.0705 and by the political party under s. 106.29 or s.
28 106.0705.

29 Section 13. Subsection (3) of section 106.18, Florida
30 Statutes, is amended to read:

31

1 106.18 When a candidate's name to be omitted from
2 ballot.--
3 (3) No certificate of election shall be granted to any
4 candidate until all preelection reports required by s. 106.07
5 or s. 106.0705 have been filed in accordance with the
6 provisions of such section. However, no candidate shall be
7 prevented from receiving a certificate of election for failure
8 to file any copy of a report required by this chapter.
9 Section 14. If any provision of this act or the
10 application thereof to any person or circumstance is held
11 invalid, the invalidity shall not affect other provisions or
12 applications of the act which can be given effect without the
13 invalid provision or application, and to this end the
14 provisions of this act are declared severable.
15 Section 15. Except as otherwise provided herein, this
16 act shall take effect October 1, 2001.
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