

By Representatives Wiles, Ausley, Cusack, Frankel,
Justice, Gannon, Joyner, Gelber, Henriquez, Kosmas, Seiler,
Romeo, Ryan, Wishner, Bullard, Weissman, Greenstein and Wilson

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

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

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

2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

- 1 a. Accepts contributions for the purpose of making
2 contributions to any candidate, elected public official,
3 political committee, committee of continuous existence, or
4 political party;
- 5 b. Accepts contributions for the purpose of expressly
6 advocating the election or defeat of any candidate, elected
7 public official, or issue;
- 8 c. Makes expenditures for the purpose of expressly
9 advocating the election or defeat of any candidate, elected
10 public official, or issue; or
- 11 d. Makes contributions to a common fund, other than a
12 joint checking account between spouses, from which
13 contributions are made to any candidate, elected public
14 official, political committee, committee of continuous
15 existence, or political party.
- 16 2. The sponsor of a proposed constitutional amendment
17 by initiative who intends to seek the signatures of registered
18 electors.
- 19 (b) Notwithstanding paragraph (a), the following
20 entities shall not be considered political committees for
21 purposes of this chapter:
- 22 1. Organizations which are certified by the Department
23 of State as committees of continuous existence pursuant to s.
24 106.04, national political parties, and the state and county
25 executive committees of political parties regulated by chapter
26 103.
- 27 2. Corporations regulated by chapter 607 or chapter
28 617 or other business entities formed for purposes other than
29 to support or oppose issues or candidates, if their political
30 activities are limited to contributions to candidates,
31 political parties, or political committees or expenditures in

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

4 (3) "Contribution" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

25 106.03 Registration of political committees.--

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

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

7 (2) The statement of organization shall include:

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

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

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

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

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

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

19 1. Each candidate whom the committee is supporting;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) Adequate opportunity to respond.

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

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

26 106.04 Committees of continuous existence.--

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) Adequate opportunity to respond.

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

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

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

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

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

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

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

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

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

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

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

13 106.07 Reports; certification and filing.--

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

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

25 106.08 Contributions; limitations on.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

17
18 State of Florida
19 County of....

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

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

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

5 ...(Address)...

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

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

10
11 (2)~~(b)~~ Any executive committee found to have violated
12 the provisions of the oath or affirmation in this section
13 prior to receiving funds shall be ineligible to receive the
14 rebate for that general election year.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 15. Except as otherwise provided herein, this
25 act shall take effect January 1, 2002.

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HOUSE SUMMARY

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