

By Senator Futch

18-183-02

1 A bill to be entitled
2 An act relating to election reporting
3 requirements; amending s. 106.011, F.S.;
4 redefining the terms "political committee,"
5 "independent expenditure," "issue," and
6 "communications media"; amending s. 106.071,
7 F.S.; revising provisions relating to the
8 reporting of certain independent expenditures;
9 revising penalties; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsections (1), (7), and (13) of section
15 106.011, Florida Statutes, are amended and paragraph (c) is
16 added to subsection (5) of that section, to read:

17 106.011 Definitions.--As used in this chapter, the
18 following terms have the following meanings unless the context
19 clearly indicates otherwise:

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

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

24 a. Accepts contributions for the purpose of making
25 contributions to any candidate, political committee, committee
26 of continuous existence, or political party;

27 b. Accepts contributions for the purpose of expressly
28 advocating the election or defeat of a candidate or ballot
29 issue;

30 c. Makes expenditures that expressly advocate the
31 election or defeat of a candidate or ballot issue; or

1 d. Makes contributions to a common fund, other than a
2 joint checking account between spouses, from which
3 contributions are made to any candidate, political committee,
4 committee of continuous existence, or political party.~~the~~
5 ~~primary or incidental purpose of which is to support or oppose~~
6 ~~any candidate, issue, or political party, which accepts~~
7 ~~contributions or makes expenditures during a calendar year in~~
8 ~~an aggregate amount in excess of \$500; "political committee"~~
9 ~~also means~~

10 2. The sponsor of a proposed constitutional amendment
11 by initiative who intends to seek the signatures of registered
12 electors.

13 (b) Notwithstanding paragraph (a), the following
14 entities are not political committees for purposes of this
15 chapter:

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

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

30 3. Pure issue advocacy groups that support a
31 particular non-ballot issue, that are not controlled by a

1 candidate, and that do not have as their major purpose the
2 election or defeat of a candidate.

3 (5)

4 (c) Any expenditure by a person which references a
5 clearly identifiable candidate or ballot issue, which
6 expenditure, in the aggregate, is in the amount of \$100 or
7 more and is made within 30 days before an election is
8 considered to be an independent expenditure.

9 (7) "Ballot issue ~~issue~~" means any proposition that
10 ~~which~~ is required by the State Constitution, by law or
11 resolution of the Legislature, or by the charter, ordinance,
12 or resolution of any political subdivision of this state to be
13 submitted to the electors for their approval or rejection at
14 an election, or any proposition for which a petition is
15 circulated in order to have such proposition placed on the
16 ballot at any election.

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

28 Section 2. 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 ballot issue,
3 which expenditure, in the aggregate, is in the amount of \$100
4 or more, shall file periodic reports of such expenditures in
5 the same manner, at the same time, and with the same officer
6 as a political committee supporting or opposing such candidate
7 or ballot issue. The report shall contain the full name and
8 address of each person to whom and for whom each such
9 expenditure has been made; the amount, date, and purpose of
10 each such expenditure; a description of the services or goods
11 obtained by each such expenditure; and the name and address
12 of, and 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 must contain the same information as
27 is required of reports under paragraph (a).

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

1 file a report on the designated due date is 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 that ~~which~~ is required to contain such
13 disclaimer is liable for a civil fine of \$5,000 or the entire
14 amount of the expenditure not disclaimed, whichever is
15 greater, to be determined by the Florida Elections Commission
16 ~~guilty of a misdemeanor of the first degree, punishable as~~
17 ~~provided in s. 775.082 or s. 775.083.~~

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

21 Section 3. This act shall take effect upon becoming a
22 law.

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25 SENATE SUMMARY

26 Redefines several terms for the purposes of ch. 106,
27 F.S., including "political committee," "independent
28 expenditure," "issue," and "communications media."
29 Revises provisions relating to the reporting of certain
30 independent expenditures. Changes penalties from criminal
31 to civil.