

By Senator Lawson

3-671-02

1 A bill to be entitled
2 An act relating to campaign financing; creating
3 ss. 106.401-106.425, F.S., to establish the
4 "Florida Clean Elections Act"; providing a
5 short title; providing findings and
6 declarations; defining terms; providing
7 eligibility requirements for clean-money
8 campaign funding for candidates for statewide
9 or legislative office; providing transitional
10 requirements for the current election cycle;
11 providing a continuing obligation to comply;
12 providing limitations on contributions and
13 expenditures; providing limitations on the use
14 of personal funds; providing for seed-money
15 contributions; providing for participation in
16 debates; providing for certification of
17 eligibility; specifying benefits for
18 participating candidates; providing for the
19 amounts and payment schedule of clean-money
20 funding; providing limitations on the
21 expenditure of clean-money funds; providing for
22 disclosure of excess spending by
23 nonparticipating candidates; providing for
24 disclosure of and additional clean money to
25 respond to independent expenditures; providing
26 for disclosure of and additional clean money to
27 respond to issue advertisements; directing the
28 Secretary of State to create a nonpartisan
29 Voter Information Commission and providing its
30 duties; requiring publicly funded television
31 and radio stations to provide free coverage of

1 debates for specified elections; providing
2 limitations on mailing privileges of certain
3 public officials; providing revenue sources for
4 the Clean-Money Trust Fund; providing for the
5 administration and dispersal of clean money
6 funds; providing limits on political party
7 contributions and expenditures; amending s.
8 106.011, F.S.; redefining the term "political
9 advertisement"; amending s. 106.021, F.S.;
10 eliminating authorization for unrestricted
11 expenditures by political committees and
12 political parties to jointly endorse three or
13 more candidates; amending s. 106.08, F.S.;
14 providing limits on contributions to political
15 parties; revising limits on contributions to
16 candidates by political parties; providing
17 penalties; amending s. 106.087, F.S.;
18 eliminating a restriction on independent
19 expenditures by certain political committees
20 and committees of continuous existence;
21 conforming a cross reference; reenacting s.
22 106.19(1) and (3), F.S., relating to penalties,
23 to incorporate the amendments to ss. 106.08 and
24 106.265, F.S., in references thereto; amending
25 s. 106.29, F.S.; revising reporting requirements
26 of political parties; conforming
27 cross-references; repealing ss. 106.30-106.36,
28 F.S., the "Florida Election Campaign Financing
29 Act," to conform; amending ss. 106.07, 106.141,
30 106.22, 106.265, 199.052, 320.02, 322.08,
31 328.72, 607.1622, F.S.; revising references and

1 providing for deposit of various fines, surplus
2 funds, and voluntary contributions in the
3 Clean-Money Trust Fund, to conform; providing
4 for a surcharge on civil penalties to be
5 deposited into the trust fund and for deposit
6 of the surcharge funds into the trust fund;
7 reenacting ss. 106.143(8), 106.144(2), F.S.,
8 relating to the circulation of political
9 advertisements and endorsements or opposition
10 by certain groups and organizations, to
11 incorporate the amendment to s. 106.265, F.S.,
12 in references thereto; providing severability;
13 providing a contingent effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Sections 106.401 through 106.425, Florida
18 Statutes, are created to read:

19 106.401 Short title.--Sections 106.401-106.426 may be
20 cited as the "Florida Clean Elections Act."

21 106.402 Findings and declarations.--

22 (1) The Legislature finds and declares that the
23 current system of privately financed campaigns for election to
24 statewide and legislative offices undermines democracy in this
25 state in the following principal ways:

26 (a) It violates the democratic principle of "one
27 person, one vote" and diminishes the meaning of the right to
28 vote by allowing large contributions to have a deleterious
29 influence on the political process.

30 (b) It violates the rights of all citizens to equal
31 and meaningful participation in the democratic process.

1 (c) It diminishes the free-speech rights of nonwealthy
2 voters and candidates whose voices are drowned out by those
3 who can afford to monopolize the arena of paid political
4 communications.

5 (d) It undermines the First Amendment right of voters
6 and candidates to be heard in the political process, the First
7 Amendment right of voters to hear all candidates' speech, and
8 the core First Amendment value of open and robust debate in
9 the political process.

10 (e) It fuels the public perception of corruption and
11 undermines public confidence in the democratic process and
12 democratic institutions.

13 (f) It drives up the cost of election campaigns,
14 making it difficult for qualified candidates without access to
15 wealthy contributors or personal fortunes to mount competitive
16 campaigns.

17 (g) It places challengers at a disadvantage, because
18 wealthy contributors tend to give their money to incumbents,
19 thus causing elections to be less competitive.

20 (h) It inhibits communication with the electorate by
21 candidates without access to large sums of campaign money.

22 (i) It burdens candidates with the incessant rigors of
23 fundraising and thus decreases the time available to fully
24 present their candidacies and ideas to the public.

25 (2) The Legislature finds and declares that providing
26 a voluntary clean-money campaign finance system for all
27 primary and general elections would enhance democracy in the
28 state in the following principal ways:

29 (a) It would help eliminate the deleterious influence
30 of large contributions on the political process, remove access
31 to wealth as a major determinant of a person's influence

1 within the political process, and restore meaning to the
2 principle of "one person, one vote."

3 (b) It would help restore the rights of all citizens
4 to equal and meaningful participation in the democratic
5 process.

6 (c) It would restore the free-speech rights of
7 nonwealthy candidates and voters by providing candidates with
8 the equal resources with which to communicate with the voters.

9 (d) It would help restore the First Amendment right of
10 voters and candidates to be heard in the political process,
11 the First Amendment right of voters to hear all candidates'
12 speech, and the core First Amendment value of open and robust
13 debate in the political process.

14 (e) It would diminish the public perception of
15 corruption and strengthen public confidence in the democratic
16 process and democratic institutions.

17 (f) It would halt and reverse the escalating cost of
18 elections.

19 (g) It would create a more level playing field for
20 incumbents and challengers, create genuine opportunities for
21 qualified residents of this state to run for statewide or
22 legislative office, and encourage more competitive elections.

23 (h) It would facilitate communication with the
24 electorate by candidates, regardless of their access to large
25 sums of campaign money.

26 (i) It would free candidates from the incessant rigors
27 of raising money and allow them more time to fully present
28 their candidacies and ideas to the public.

29 (3) The Legislature further finds and declares that
30 the unique factual circumstances in this state require that
31 ss. 106.401-106.426 be enacted to promote the compelling state

1 interests listed in subsection (2). The provisions of ss.
2 106.401-106.426 are designed to create a rough proportionality
3 between the benefits and restrictions that apply to
4 participating candidates. However, it should be clear that
5 the provisions of ss. 106.401-106.426 are not entirely
6 neutral. Participating candidates are deliberately favored to
7 further the compelling state interest of encouraging
8 participation in the public financing program.

9 106.403 Definitions.--As used in ss. 106.401-106.426,
10 the term:

11 (1) "Allowable contribution" means a qualifying
12 contribution or a seed-money contribution.

13 (2) "Clean-money qualifying period" means the period
14 during which candidates for statewide or legislative office
15 are permitted to collect qualifying contributions in order to
16 qualify for clean-money funding. For legislative races, it
17 begins on the 60th day before the beginning of the first
18 primary election campaign period and ends on the 30th day
19 before the day of the first primary election. For
20 gubernatorial and other statewide races, it begins on the
21 120th day before the beginning of the first primary election
22 campaign period and ends on the 30th day before the day of the
23 first primary election.

24 (3) "Commission" means the Florida Elections
25 Commission.

26 (4) "Department" means the Department of State.

27 (5) "Division" means the Division of Elections of the
28 Department of State.

29 (6) "Excess expenditure amount" means the amount of
30 money spent or obligated to be spent by a nonparticipating
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1 candidate in excess of the clean-money amount available to a
2 participating candidate running for the same office.

3 (7) "First primary election campaign period" means the
4 period beginning on the 60th day before the first primary
5 election and ending on the day of the first primary election.

6 (8) "General election campaign period" means the
7 period beginning the day after the first or second primary
8 election, whichever is the last primary election at which the
9 office sought is contested, and ending on the day of the
10 general election.

11 (9) "Immediate family" means the candidate's spouse,
12 parents, and children.

13 (10) "Independent candidate" means a candidate for
14 statewide or legislative office who does not represent a
15 political party that has been granted ballot status and holds
16 a primary election to choose its nominee for the general
17 election.

18 (11) "Mass mailing" means any mailing of 200 or more
19 identical or substantively identical pieces of mail sent by a
20 candidate for statewide or legislative office or an elected
21 official holding a statewide or legislative office to the
22 voters, residents, or postal boxholders within the territorial
23 jurisdiction of the office sought by such candidate or held by
24 such official. Such mailings, consisting of substantively
25 identical letters, newsletters, pamphlets, brochures, or other
26 written material, are distinct from mailings made in direct
27 response to communications from persons or groups to whom the
28 matter is mailed; mailings to federal, state, or local
29 government officials; and news releases to the communications
30 media, all of which are exempt from this definition.

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1 (12) "Nonparticipating candidate" means a candidate
2 for statewide or legislative office who is on the ballot but
3 has chosen not to apply for clean-money campaign funding or a
4 candidate for statewide or legislative office who is on the
5 ballot and has applied but has not satisfied the requirements
6 for receiving clean-money funding.

7 (13) "Participating candidate" means a candidate for
8 statewide or legislative office who qualifies for clean-money
9 campaign funding. Such candidates are eligible to receive
10 clean-money funding during primary and general election
11 campaign periods.

12 (14) "Party candidate" means a candidate for statewide
13 or legislative office who represents a political party that
14 has been granted ballot status and holds a primary election to
15 choose its nominee for the general election.

16 (15) "Qualifying contribution" means a contribution of
17 \$5 that is received during the applicable clean-money
18 qualifying period by a candidate seeking to become eligible
19 for clean-money campaign funding and that is acknowledged by a
20 written receipt identifying the contributor. Contributors
21 must be registered voters who reside within the territorial
22 jurisdiction of the office and who are therefore eligible to
23 vote for that candidate. Qualifying contributions must be made
24 in cash or by check or money order; must be accompanied by a
25 receipt fully identifying the contributor which includes a
26 signed statement indicating that he or she fully understands
27 the purpose of the contribution and that the contribution is
28 made without coercion or reimbursement; and must be turned
29 over to the division for deposit in the Clean-Money Trust
30 Fund. Qualifying contributions must be gathered by the
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1 candidates themselves or by volunteers who receive no
2 compensation.

3 (16) "Second primary election campaign period" means
4 the period beginning the day after the first primary election
5 and ending on the day of the second primary election.

6 (17) "Seed-money contribution" means a contribution of
7 no more than \$100 in the aggregate from any one source during
8 the seed-money period. The term does not include payments by
9 a membership organization for the costs of communications to
10 its members, payments by a membership organization for the
11 purpose of facilitating the making of qualifying
12 contributions, and volunteer activity, including the payment
13 of incidental expenses by volunteers.

14 (18) "Seed-money period" means the period beginning
15 the day following the previous general election for the office
16 sought and ending on the last day of the clean-money
17 qualifying period. This is the exploratory period during
18 which candidates who wish to become eligible for clean-money
19 funding for the next elections are permitted to raise and
20 spend a limited amount of private seed money, in contributions
21 of up to \$100 per individual, for the purpose of testing the
22 waters and fulfilling the clean-money eligibility
23 requirements.

24 (19) "Statewide office" means the office of Governor
25 or Cabinet member. The office of Governor includes the office
26 of Lieutenant Governor as a single joint candidacy in
27 accordance with s. 99.063.

28 106.404 Eligibility for clean-money campaign funding
29 for party candidates.--

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1 (1) A party candidate qualifies as a participating
2 candidate for the first and second primary election campaign
3 periods if the candidate:

4 (a) Files a declaration with the division that he or
5 she has complied and will continue to comply with the
6 requirements of ss. 106.401-106.426, especially the
7 requirement that during the seed-money period and the
8 clean-money qualifying period the candidate not accept or
9 spend private contributions from any source other than
10 seed-money contributions and qualifying contributions unless
11 the provisions of s. 106.406 apply; and

12 (b) Meets the following qualifying contribution
13 requirements before the close of the clean-money qualifying
14 period:

15 1. A party candidate must collect at least the
16 following number of qualifying contributions:

17 a. For a candidate running for the office of state
18 representative, 500.

19 b. For a candidate running for the office of state
20 senator, 1,500.

21 c. For a candidate running for Cabinet office, 15,000.

22 d. For a candidate running for the office of Governor,
23 20,000.

24 2. Each qualifying contribution must be:

25 a. Acknowledged by a receipt to the contributor with a
26 copy to be kept by the candidate and a copy to be submitted to
27 the division. The receipt shall indicate, by the
28 contributor's signature, that the contributor understands that
29 the purpose of the contribution is to help the candidate
30 qualify for clean-money campaign funding and that he or she is
31 currently registered to vote in the territorial jurisdiction

1 of the office sought by the candidate. The receipt must
2 include the contributor's signature, printed name, home
3 address, and telephone number and the name of the candidate on
4 whose behalf the contribution is made.

5 b. Submitted, with the copy of the signed and
6 completed receipt, to the division according to the schedule
7 and procedure determined by the division. A contribution
8 submitted as a qualifying contribution that does not include
9 the copy of the signed and completed receipt may not be
10 counted as a qualifying contribution.

11 (2) A party candidate qualifies as a participating
12 candidate for the general election campaign period if:

13 (a) He or she has met all of the applicable
14 requirements of ss. 106.401-106.426 and filed a declaration
15 with the division that he or she has fulfilled and will
16 continue to fulfill the requirements of a participating
17 candidate as stated in ss. 106.401-106.426; and

18 (b) As a participating candidate during the first and
19 second primary election campaign periods, he or she received
20 the highest number of votes of the candidates contesting the
21 primary elections from his or her respective party or, by
22 other means, won the party's official nomination.

23 106.405 Eligibility for clean-money campaign funding
24 for independent candidates.--

25 (1) An independent candidate qualifies as a
26 participating candidate for the first and second primary
27 election campaign periods if the candidate:

28 (a) Files a declaration with the division that he or
29 she has complied and will continue to comply with the
30 requirements of ss. 106.401-106.426, especially the
31 requirement that during the seed-money period and the

1 clean-money qualifying period the candidate not accept or
2 spend private contributions from any source other than
3 seed-money contributions and qualifying contributions unless
4 the provisions of s. 106.406 apply; and

5 (b) Meets the following qualifying contribution
6 requirements before the close of the clean-money qualifying
7 period:

8 1. An independent candidate must collect the same
9 number of qualifying contributions as a party candidate must
10 collect for the same office as provided in s. 106.404.

11 2. Each qualifying contribution must be:

12 a. Acknowledged by a receipt to the contributor, with
13 a copy to be kept by the candidate and a copy to be submitted
14 to the division. The receipt must indicate, by the
15 contributor's signature, that the contributor understands that
16 the purpose of the contribution is to help the candidate
17 qualify for clean-money campaign funding and that he or she is
18 currently registered to vote in the territorial jurisdiction
19 of the office sought by the candidate. The receipt must
20 include the contributor's signature, printed name, home
21 address, and telephone number and the name of the candidate on
22 whose behalf the contribution is made.

23 b. Submitted, with the copy of the signed and
24 completed receipt, to the division according to the schedule
25 and procedure determined by the division. A contribution
26 submitted as a qualifying contribution that does not include
27 the copy of the signed and completed receipt may not be
28 counted as a qualifying contribution.

29 (2) An independent candidate qualifies as a
30 participating candidate for the general election campaign
31 period if:

1 (a) Before the first and second primary election, he
2 or she has met all of the applicable requirements of ss.
3 106.401-106.426 and filed a declaration with the division that
4 he or she has fulfilled and will continue to fulfill the
5 requirements of a participating candidate as stated in ss.
6 106.401-106.426; and

7 (b) During the first and second primary election
8 campaign periods, he or she has fulfilled all of the
9 requirements of a participating candidate as stated in ss.
10 106.401-106.426.

11 106.406 Transitional requirements for current election
12 cycle.--During the election cycle in effect on July 1, 2002, a
13 candidate may be certified as a participating candidate,
14 notwithstanding the acceptance of contributions or the making
15 of expenditures from private funds before July 1, 2002, which
16 would otherwise disqualify the candidate as a participating
17 candidate, if all private funds accepted but not expended
18 before July 1, 2002, are either returned to the contributors
19 or submitted to the division for deposit in the Clean-Money
20 Trust Fund.

21 106.407 Continuing obligation to comply.--A
22 participating candidate who accepts any benefits during the
23 first and second primary election campaign periods must comply
24 with all requirements of ss. 106.401-106.426 through the
25 general election campaign period whether or not he or she
26 continues to accept benefits, unless the candidate either
27 loses in one of the primary elections or withdraws his or her
28 candidacy and subsequently is selected as a candidate for
29 Lieutenant Governor with a nonparticipating candidate for
30 Governor.

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1 106.408 Contributions and expenditures; limitations
2 and reporting.--

3 (1) During the primary and general election campaign
4 periods, a participating candidate who has voluntarily agreed
5 to participate in and has become eligible for clean-money
6 benefits may not accept private contributions from any source
7 other than the candidate's political party.

8 (2) A person may not make a contribution in the name
9 of another person. A participating candidate who receives a
10 qualifying contribution or seed-money contribution that is not
11 from the person listed on the receipt required by s.
12 106.404(1)(b)2., s. 106.405(1)(b)2., or s. 106.410(3) is
13 liable to pay the commission the entire amount of the illegal
14 contribution, in addition to any other penalties prescribed by
15 this chapter.

16 (3) During the primary and general election campaign
17 periods, a participating candidate must pay for all of his or
18 her campaign expenditures, except petty cash expenditures, by
19 means of the clean money debit card, as specified in s.
20 106.424.

21 (4) Eligible candidates shall furnish complete
22 campaign records, including all records of seed-money
23 contributions and qualifying contributions, to the division at
24 regular filing times or on request by the division.
25 Candidates must cooperate with any audit or examination by the
26 division or the commission.

27 106.409 Use of personal funds.--

28 (1) Personal funds contributed as seed money by a
29 candidate seeking to become eligible as a participating
30 candidate or by adult members of his or her immediate family
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1 may not exceed the maximum of \$100 in the aggregate per
2 contributor.

3 (2) Personal funds may not be used to meet the
4 qualifying contribution requirement except for one qualifying
5 contribution from the candidate and one qualifying
6 contribution from the candidate's spouse, provided the
7 candidate and his or her spouse are registered voters of the
8 territorial jurisdiction of the office sought by the
9 candidate.

10 106.410 Seed-money contributions.--

11 (1) The only private contributions a candidate seeking
12 to become eligible for clean-money funding may accept, other
13 than qualifying contributions, are seed-money contributions
14 contributed before the end of the clean-money qualifying
15 period.

16 (2) A seed-money contribution may not exceed \$100 in
17 the aggregate from any one source, and the aggregate amount of
18 seed-money contributions from all sources accepted by a
19 candidate seeking to become eligible for clean-money funding
20 may not exceed:

21 (a) For a candidate running for the office of state
22 representative, \$10,000.

23 (b) For a candidate running for the office of state
24 senator, \$30,000.

25 (c) For a candidate running for Cabinet office,
26 \$200,000.

27 (d) For a candidate running for the office of
28 Governor, \$500,000.

29 (3) Receipts for seed-money contributions under \$25
30 must include the contributor's signature, printed name, and
31 address. Receipts for seed-money contributions of \$25 or more

1 must include the contributor's signature, printed name, street
2 address and zip code, telephone number, occupation, and name
3 of employer. Contributions may not be accepted if the
4 required disclosure information is not provided.

5 (4) Seed money may be spent only during the
6 clean-money qualifying period. Seed money may not be spent
7 during the primary or general election campaign periods.

8 (5) Within 48 hours after the close of the clean-money
9 qualifying period, each candidate seeking to become eligible
10 for clean-money funding must fully disclose all seed-money
11 contributions and expenditures to the division and turn over
12 to the division for deposit in the Clean-Money Trust Fund any
13 seed money raised during the applicable seed-money period that
14 exceeds the aggregate seed-money limit.

15 106.411 Participation in debates.--

16 (1) Participating candidates must participate in one
17 1-hour debate during a contested first primary election, one
18 1-hour debate during a contested second primary election, and
19 two 1-hour debates during a contested general election when
20 public debate opportunities are available.

21 (2) Licensed broadcasters receiving state funding or
22 providing publicly authorized cable services are required to
23 publicly broadcast one such debate, when practicable, for
24 gubernatorial and other statewide races.

25 (3) Nonparticipating candidates for the same offices
26 whose names will appear on the ballot must be invited to join
27 the debates.

28 106.412 Certification of eligibility.--

29 (1) No more than 5 days after a candidate applies for
30 clean-money benefits, the division shall certify or fail to
31 certify the candidate as eligible. Eligibility may be revoked

1 if the candidate violates any of the requirements of ss.
2 106.401-106.426, in which case all clean-money funds received
3 by the candidate must be repaid.

4 (2) The candidate's request for eligibility
5 certification shall be signed by the candidate and his or her
6 campaign treasurer under penalty of perjury.

7 (3) The division's determination is final, except that
8 it is subject to examination and audit by an outside agency
9 and to a prompt, expedited judicial review.

10 106.413 Benefits provided to candidates eligible to
11 receive clean money.--

12 (1) Candidates who qualify for clean-money funding for
13 primary and general elections shall:

14 (a) Receive clean-money funding from the division for
15 each election in the amounts specified in s. 106.415. This
16 funding may be used to finance any and all campaign expenses
17 during the particular campaign period for which it was
18 allocated.

19 (b) Receive media benefits and mailing privileges as
20 provided in ss. 106.401-106.426, including up to \$5,000 each
21 election for broadcasting expenses for qualified political
22 advertisements that are determined under s. 106.420 as meeting
23 the standards of "Truth in Campaigning" established by the
24 Voter Information Commission and the division.

25 (c) Receive additional clean-money funding to match
26 any excess expenditure amount spent by nonparticipating
27 candidates, as specified in s. 106.417.

28 (d) Receive additional clean-money funding to match
29 any independent expenditure made in opposition to their
30 candidacies or on behalf of their opponents' candidacies, as
31 specified in s. 106.418.

1 (e) Receive additional clean-money funding to match
2 any issue advertisement made in opposition to their
3 candidacies or on behalf of their opponents' candidacies, as
4 specified in s. 106.419.

5 (2) The maximum aggregate amount of additional funding
6 a participating candidate may receive to match independent
7 expenditures, issue advertisements, and the excess
8 expenditures of nonparticipating candidates is 300 percent of
9 the full amount of clean-money funding allocated to the
10 candidate for a particular primary or general election
11 campaign period.

12 106.414 Schedule of clean-money payments.--

13 (1)(a) An eligible party candidate shall receive his
14 or her clean-money funding for the first or second primary
15 election campaign period on the date on which the division
16 certifies the candidate as a participating candidate. This
17 certification shall take place no later than 5 days after the
18 candidate has submitted the required number of qualifying
19 contributions and a declaration stating that he or she has
20 complied with all other requirements for eligibility as a
21 participating candidate, but no earlier than the beginning of
22 the first or second primary election campaign period.

23 (b) An eligible party candidate shall receive his or
24 her clean-money funding for the general election campaign
25 period within 48 hours after certification of the applicable
26 primary election results.

27 (2)(a) An eligible independent candidate shall receive
28 his or her clean-money funding for the first or second primary
29 election campaign period on the date on which the division
30 certifies the candidate as a participating candidate. This
31 certification shall take place no later than 5 days after the

1 candidate has submitted the required number of qualifying
2 contributions and a declaration stating that he or she has
3 complied with all other requirements for eligibility as a
4 participating candidate, but no earlier than the beginning of
5 the first or second primary election campaign period.

6 (b) An eligible independent candidate shall receive
7 his or her clean-money funding for a general election campaign
8 period within 48 hours after certification of the applicable
9 primary election results.

10 106.415 Determination of clean-money amounts.--

11 (1)(a) The amount of clean-money funding for an
12 eligible party candidate in a contested first primary election
13 is:

14 1. For a candidate running for the office of state
15 representative, \$45,000.

16 2. For a candidate running for the office of state
17 senator, \$135,000.

18 3. For a candidate running for Cabinet office,
19 \$700,000.

20 4. For a candidate running for the office of Governor,
21 \$2 million.

22 (b) The clean-money amount for an eligible party
23 candidate in an uncontested first primary election is 10
24 percent of the amount provided in a contested first primary
25 election.

26 (c) The clean-money amount for an eligible party
27 candidate in a second primary election is 25 percent of the
28 amount authorized for that candidate for the first primary
29 election.

30 (d) The amount of clean-money funding for an eligible
31 party candidate in a contested general election is:

1 1. For a candidate running for the office of state
2 representative, \$60,000.

3 2. For a candidate running for the office of state
4 senator, \$180,000.

5 3. For a candidate running for Cabinet office, \$1
6 million.

7 4. For a candidate running for the office of Governor,
8 \$5 million.

9 (2)(a) The clean-money amount for an eligible
10 independent candidate in a primary election is 10 percent of
11 the amount received by a party candidate in a contested
12 primary election.

13 (b) The clean-money amount for an eligible independent
14 candidate in the general election is the same as the full
15 amount received by a party candidate in the general election.

16 (3) After the first cycle of elections subject to ss.
17 106.401-106.426, the division shall adjust the clean-money
18 amounts authorized under this section based on the rate of
19 inflation or the cost-of-living index.

20 106.416 Expenditures made with clean-money funds.--

21 (1) The clean-money funding received by a
22 participating candidate may be used only for the purpose of
23 defraying that candidate's campaign-related expenses during a
24 particular election campaign period for which the clean-money
25 funding was allocated.

26 (2) Clean-money funding may not be used in violation
27 of the law or to repay any personal, family, or business
28 loans, expenditures, or debts.

29 106.417 Disclosure of excess spending by
30 nonparticipating candidates.--

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1 (1) If a nonparticipating candidate's total
2 expenditures for a primary or general election campaign period
3 exceed the amount of clean-money funding allocated to his or
4 her clean-money opponent for that period, he or she shall
5 disclose to the division within 48 hours each excess
6 expenditure amount that, in the aggregate, is more than
7 \$1,000.

8 (2) During the last 20 days before the end of the
9 applicable campaign period, a nonparticipating candidate shall
10 disclose to the division each excess expenditure amount that,
11 in the aggregate, is more than \$500, within 24 hours of when
12 the expenditure is made or obligated to be made.

13 (3) The division may make its own determination as to
14 whether excess expenditures have been made by nonparticipating
15 candidates.

16 (4) Upon receiving an excess expenditure disclosure
17 under this section, the division shall immediately release
18 additional clean-money funding to the opposing participating
19 candidate equal to the excess expenditure amount the
20 nonparticipating candidate has spent or intends to spend,
21 subject to the limit set forth in s. 106.413(2).

22 106.418 Disclosure of and additional clean money to
23 respond to independent expenditures.--

24 (1) As used in this section, the term:

25 (a) "Coordination" means a payment made for a
26 communication or anything of value that is for the purpose of
27 influencing the outcome of an election for statewide or
28 legislative office and that is made:

29 1. By a person in cooperation, consultation, or
30 concert with, at the request or suggestion of, or pursuant to
31 a particular understanding with a candidate, a candidate's

1 campaign committee, or an agent acting on behalf of a
2 candidate or a candidate's campaign committee;

3 2. By a person for the dissemination, distribution, or
4 republication, in whole or in part, of any broadcast or any
5 written, graphic, or other form of campaign material prepared
6 by a candidate, a candidate's campaign committee, or an agent
7 of a candidate or a candidate's campaign committee;

8 3. Based on specific information about the candidate's
9 plans, projects, or needs provided to the person making the
10 payment by the candidate or the candidate's agent who provides
11 the information with a view toward having the payment made;

12 4. By a person if, in the same election cycle in which
13 the payment is made, the person making the payment is serving
14 or has served as a member, employee, fund raiser, or agent of
15 the candidate's campaign committee in an executive or
16 policymaking position;

17 5. By a person if the person making the payment has
18 served in any formal policymaking or advisory position with
19 the candidate's campaign or has participated in strategic or
20 policymaking discussions with the candidate's campaign
21 relating to the candidate's pursuit of nomination for election
22 or election to a statewide or legislative office in the same
23 election cycle as the election cycle in which the payment is
24 made; or

25 6. By a person if the person making the payment
26 retains the professional services of an individual or person
27 who, in a nonministerial capacity, has provided or is
28 providing campaign-related services in the same election cycle
29 to a candidate who is pursuing the same nomination or election
30 as any of the candidates to whom the communication refers.

31

1 **(b) "Express advocacy" means a communication that is**
2 **made through a broadcast medium, newspaper, magazine,**
3 **billboard, direct mail, or similar type of general public**
4 **communication or political advertising that advocates the**
5 **election or defeat of a clearly identifiable candidate,**
6 **including any communication that contains a phrase such as**
7 **"vote for," "re-elect," "support," "cast your ballot for,"**
8 **"(name of candidate) for (name of office)," "(name of**
9 **candidate) in (year)," "vote against," "defeat," "reject," or**
10 **contains campaign slogans or individual words that in context**
11 **can have no reasonable meaning other than to recommend the**
12 **election or defeat of one or more clearly identifiable**
13 **candidates. The term does not include any news story,**
14 **commentary, or editorial by a broadcasting station, newspaper,**
15 **magazine, or other publication, if the entity is not owned by**
16 **or affiliated with any candidate or candidate committee or a**
17 **regularly published newsletter or other communication whose**
18 **circulation is limited to an organization's members,**
19 **employees, shareholders, other affiliated individuals, and**
20 **those who request or purchase the internal publication.**

21 **(c) "Independent expenditure" means an expenditure**
22 **made by a person or group other than a candidate or a**
23 **candidate's campaign committee which is made for a**
24 **communication that contains express advocacy and is made**
25 **without the participation or cooperation of and without**
26 **coordination with a candidate or a candidate's campaign**
27 **committee.**

28 **(d) "Professional services" includes services in**
29 **support of a candidate's pursuit of nomination for election or**
30 **election to statewide or legislative office, such as polling,**
31 **media advice, direct mail, fundraising, or campaign research.**

1 (2)(a) Any person who makes an independent expenditure
2 in support of or in opposition to a candidate for statewide or
3 legislative office during a primary or general election
4 campaign period which, in the aggregate, exceeds \$1,000 shall
5 report each such expenditure within 48 hours to the division.

6 (b) The report to the division shall include a
7 statement, under penalty of perjury, by the person making the
8 independent expenditure identifying the candidate whom the
9 independent expenditure is intended to help elect or defeat
10 and affirming that the expenditure is totally independent and
11 involves no cooperation or coordination with a candidate or
12 political party.

13 (c) An individual or organization may file a complaint
14 with the commission if the individual or organization believes
15 that such a statement is false. The commission shall make a
16 prompt determination about such a complaint.

17 (3) Upon receiving a report under this section that an
18 independent expenditure has been made or is obligated to be
19 made, the division shall immediately release additional
20 clean-money funding, equal in amount to the cost of the
21 independent expenditure, to all participating candidates whom
22 the independent expenditure is intended to oppose or defeat,
23 provided the maximum aggregate amount of additional funding a
24 participating candidate receives to match independent
25 expenditures, issue advertisements, and the excess
26 expenditures of nonparticipating candidates is no more than
27 300 percent of the full amount of clean-money funding
28 allocated to a participating candidate in that election and
29 the aggregate amount of the campaign expenditures combined
30 with the amount of the independent expenditures of the
31 nonparticipating candidate benefiting from the independent

1 expenditure exceeds the amount of clean-money funding received
2 by the participating candidate.

3 (4) Funding in the same amounts must also be granted
4 to any participating candidate when another participating
5 candidate benefits, however unintentionally, from independent
6 expenditures that, in the aggregate with other expenditures,
7 exceed the clean-money amount received by the participating
8 candidates.

9 106.419 Disclosure of, and additional clean money to
10 respond to issue advertisements.--

11 (1) As used in this section, the term "issue
12 advertisement" means a communication through a broadcasting
13 station, newspaper, magazine, outdoor advertising facility,
14 mailing, or any other type of general public political
15 advertising the purchase of which is not an independent
16 expenditure or a contribution and which costs, in the
17 aggregate, \$1,000 or more, contains the name or likeness of
18 one or more candidates, is communicated during a primary or
19 general election period, and recommends a position on a
20 political issue.

21 (2) A person who makes a disbursement to purchase an
22 issue advertisement shall file a report with the division not
23 later than 48 hours after making the disbursement, containing
24 the amount of the disbursement, the name and address of the
25 person making the disbursement, the purpose of the issue
26 advertisement, and the script or a printed or duplicated audio
27 copy of the advertisement.

28 (3) Upon receiving a report under this section that an
29 issue advertisement has been made or is obligated to be made,
30 and upon determination that the advertisement can reasonably
31 be interpreted as having the effect of promoting the defeat of

1 a participating candidate or the election of that candidate's
2 opponent, the division shall immediately authorize the release
3 to that candidate of additional clean-money funding, equal in
4 amount to the cost of the issue advertisement, subject to the
5 limit set forth in s. 106.413(2).

6 106.420 Voter Information Commission.--

7 (1) The Secretary of State shall establish and
8 administer a nonpartisan Voter Information Commission
9 consisting of representatives of nonprofit organizations,
10 political parties, the media, and interested citizens.

11 (2) The Voter Information Commission may establish a
12 voter information program for the purpose of providing voters
13 with election-related information and fostering political
14 dialogue and debate.

15 (3) The Voter Information Commission shall organize
16 the publication and distribution of a voter information guide
17 that includes important information about candidates appearing
18 on the ballot, including biographical material submitted by
19 the candidates; information on whether candidates are funding
20 their campaigns with public money or private money; policy
21 statements by the candidates or their political parties on
22 issues designated by the Voter Information Commission and
23 other issues; and, when pertinent, candidates' voting records.

24 (4) The Voter Information Commission shall evaluate,
25 or delegate the evaluation of, the veracity of a candidate's
26 own political advertisements submitted by participating
27 candidates to determine whether each advertisement meets the
28 standards of "Truth in Campaigning" as established by the
29 Voter Information Commission and the division and reviewed
30 biennially before the filing date for candidates in each
31 general election year. Upon determination of qualification

1 for an advertisement, the Voter Information Commission shall
2 immediately notify the candidate and the division that the
3 advertisement meets the established standards of "Truth in
4 Campaigning."

5 106.421 Broadcast debates.--

6 (1) All television and radio broadcast stations
7 publicly funded in part or providing publicly approved cable
8 services shall make available, as a condition of their
9 licenses, free coverage for gubernatorial and other statewide
10 candidate debates in contested primary and general elections.

11 (2) At a minimum, broadcasters shall broadcast, when
12 practicable, and participating candidates in gubernatorial and
13 other statewide races shall participate in, one 1-hour debate
14 during a contested primary election and two 1-hour debates
15 during a contested general election.

16 (3) All participating candidates shall participate in
17 public debates when practicable, and all nonparticipating
18 candidates for the same offices whose names will appear on the
19 ballot must be invited to join the debates.

20 106.422 Limit on use of public official mailing
21 privileges.--

22 (1) Except as provided in subsection (2), an elected
23 official holding a statewide or legislative office shall not
24 mail any mass mailing as government mail during the period
25 between July 1 of the election year and the date of the
26 general election for that office, unless the official has made
27 a public announcement that he or she will not be a candidate
28 for reelection to that office or for election to any other
29 statewide or legislative office during that election cycle.

30 (2) The normal privileges for elected officials
31 holding a statewide or legislative office shall remain

1 applicable to mailings not covered under the definition of
2 mass mailing in s. 106.403.

3 106.423 Revenue sources for the Clean-Money Trust
4 Fund.--

5 (1) The Legislature may appropriate funds that, when
6 added to the revenue outlined in subsection (2), will be
7 sufficient to fully carry out the provisions of ss.
8 106.401-106.426, and such funds shall be deposited in the
9 Clean-Money Trust Fund.

10 (2) Other sources of revenue to be deposited in the
11 Clean-Money Trust Fund include:

12 (a) The qualifying contributions required of
13 candidates seeking to become certified as participating
14 candidates and such candidates' qualifying contributions in
15 excess of the minimum number to qualify as a participating
16 candidate.

17 (b) The excess seed-money contributions of candidates
18 seeking to become certified as participating candidates.

19 (c) Unspent funds distributed to any participating
20 candidate who does not remain a candidate until the primary or
21 general election for which they were distributed, or such
22 funds that remain unspent by a participating candidate
23 following the date of the primary or general election for
24 which they were distributed.

25 (d) Fines levied by the commission against candidates
26 for violation of election laws, except for those fines
27 required to be deposited in the Elections Commission Trust
28 Fund.

29 (e) Voluntary donations made directly to the trust
30 fund.

31

1 (f) Funds from the surcharge on civil penalties levied
2 under s. 106.265(3).

3 (g) Any interest generated by the trust fund.

4 (h) Any other sources of revenue authorized by law.

5 106.424 Administration and disbursement of clean money.--

6 (1) Upon determination that a candidate has met all
7 the requirements for becoming a participating candidate as
8 provided in ss. 106.401-106.426, the division shall authorize
9 the issuance to the candidate of a clean-money debit card and
10 a line of debit entitling the candidates and members of the
11 candidate's staff to draw clean-money funds from a state
12 account to pay for all campaign costs and expenses up to the
13 amount of clean-money funding the candidate has been
14 authorized.

15 (2) Neither a participating candidate nor any other
16 person on behalf of a participating candidate shall pay
17 campaign costs by cash, check, money order, loan, or any other
18 financial means besides the clean-money debit card, except as
19 otherwise provided in subsection (3).

20 (3) Cash amounts of \$500 or less per day may be drawn
21 on the clean-money debit card and used to pay expenses of no
22 more than \$100 each. Records of all such expenditures must be
23 maintained and reported to the division.

24 (4) Upon determination by the Voter Information
25 Commission that a candidate's political advertisement
26 qualifies under the "Truth in Campaigning" standards proposed
27 by the Voter Information Commission and adopted by the
28 division, the division shall authorize payment for the
29 broadcast advertisement, which may be made directly to
30 broadcast vendors in the candidate's behalf, except that the
31

1 amount of payments for each candidate in each election may not
2 exceed an aggregate total of \$5,000.

3 106.425 Political party contributions and
4 expenditures.--

5 (1) Participating candidates may accept monetary or
6 in-kind contributions from political parties if the aggregate
7 amount of the contributions from all political party
8 committees combined does not exceed the equivalent of 10
9 percent of the clean-money financing amount for that office
10 and if that aggregate amount does not exceed \$100,000 per
11 candidate per election cycle.

12 (2) Contributions made to, and expenditures made by,
13 political parties during primary and general election campaign
14 periods must be reported to the division on the same basis as
15 contributions and expenditures made to or by candidates.

16 (3) This section does not prevent political party
17 funds from being used for general operating expenses of the
18 party; conventions; nominating and endorsing candidates on a
19 nonrecurring basis within each election period; identifying,
20 researching, and developing the party's positions on issues;
21 party platform activities; non-candidate-specific voter
22 registration; non-candidate-specific get-out-the-vote drives;
23 travel expenses for noncandidate party leaders and staff; and
24 other non-candidate-specific party-building activities.

25 Section 2. Subsection (17) of section 106.011, Florida
26 Statutes, is amended to read:

27 106.011 Definitions.--As used in this chapter, the
28 following terms have the following meanings unless the context
29 clearly indicates otherwise:

30 (17)(a) "Political advertisement" means a paid
31 expression in any communications media prescribed in

1 subsection (13), whether radio, television, newspaper,
2 magazine, periodical, campaign literature, direct mail, or
3 display or by means other than the spoken word in direct
4 conversation, which shall support or oppose any candidate,
5 elected public official, or issue. A political advertisement
6 shall be deemed to support or oppose a candidate or elected
7 public official if it mentions or shows a clearly identifiable
8 candidate for election or reelection and is distributed at any
9 point during the period following the last day of qualifying
10 for that candidacy through the immediately ensuing general
11 election, regardless of whether the communication contains the
12 words "vote for," "reelect," "vote against," "defeat," or any
13 similar words or statements.

14 (b) However, "Political advertisement" does not
15 include:

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

22 2.(b) Editorial endorsements by any newspaper, radio
23 or television station, or other recognized news medium.

24 3. A paid expression in any communications medium
25 which mentions or shows a clearly identifiable candidate for
26 election or reelection and which:

27 a. Advertises a business rather than the candidate, is
28 paid for out of funds of that business, and is similar to
29 other advertisements for that business that have mentioned or
30 shown the candidate and have been distributed on a regular
31

1 basis over a period of at least 1 year before the qualifying
2 period for that candidacy; or

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

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

8 106.021 Campaign treasurers; deputies; primary and
9 secondary depositories.--

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

25 Section 4. Section 106.08, Florida Statutes, is
26 amended to read:

27 106.08 Contributions; limitations on.--

28 (1)(a) Except for political parties, no person,
29 political committee, or committee of continuous existence may,
30 in any election, make contributions in excess of \$500 to any
31 candidate for election to or retention in office or to any

1 political committee supporting or opposing one or more
2 candidates. Candidates for the offices of Governor and
3 Lieutenant Governor on the same ticket are considered a single
4 candidate for the purpose of this section.

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

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

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

27 (2) A person, political committee, or committee of
28 continuous existence may not make contributions to the state
29 and county executive committees of a political party,
30 including any subordinate committee of a state or county
31 executive committee of a political party, which contributions,

1 including in-kind contributions, in the aggregate in any
2 calendar year exceed \$5,000.

3 (3)(2)(a) Except as otherwise provided in s. 106.425,
4 a candidate for other than statewide office may not accept
5 contributions from national, state, including any subordinate
6 committee of a national, state, or county committee of a
7 political party, and county executive committees of a
8 political party, including any subordinate committee of a
9 national, state, or county executive committee of a political
10 party, which contributions, including in-kind contributions,
11 in the aggregate in any calendar year exceed \$5,000. A
12 candidate for statewide office may not accept contributions
13 from national, state, and county executive committees of a
14 political party, including any subordinate committee of a
15 national, state, or county executive committee of a political
16 party, which contributions, including in-kind contributions,
17 in the aggregate in any election cycle exceed \$100,000
18 ~~\$50,000, no more than \$25,000 of which may be accepted prior~~
19 ~~to the 28-day period immediately preceding the date of the~~
20 ~~general election.~~

21 (b) Except as otherwise provided in s. 106.425,
22 national, state, and county executive committees of a
23 political party, including any subordinate committee of a
24 national, state, or county executive committee of a political
25 party, may not make contributions to a candidate for other
26 than statewide office, which contributions, including in-kind
27 contributions, in the aggregate in any calendar year exceed
28 \$5,000. National, state, and county executive committees of a
29 political party, including any subordinate committee of a
30 national, state, or county executive committee of a political
31 party, may not make contributions to a candidate for statewide

1 office, which contributions, including in-kind contributions,
2 in the aggregate in any election cycle exceed \$100,000.
3 ~~Polling services, research services, costs for campaign staff,~~
4 ~~professional consulting services, and telephone calls are not~~
5 ~~contributions to be counted toward the contribution limits of~~
6 ~~paragraph (a). Any item not expressly identified in this~~
7 ~~paragraph as nonallocable is a contribution in an amount equal~~
8 ~~to the fair market value of the item and must be counted as~~
9 ~~allocable toward the \$50,000 contribution limits of paragraph~~
10 ~~(a). Nonallocable, in-kind contributions must be reported by~~
11 ~~the candidate under s. 106.07 and by the political party under~~
12 ~~s. 106.29.~~

13 (4)~~(3)~~(a) Any contribution received by a candidate
14 with opposition in an election or by the campaign treasurer or
15 a deputy campaign treasurer of such a candidate on the day of
16 that election or less than 5 days prior to the day of that
17 election must be returned by him or her to the person or
18 committee contributing it and may not be used or expended by
19 or on behalf of the candidate.

20 (b) Except as otherwise provided in paragraph (c), any
21 contribution received by a candidate or by the campaign
22 treasurer or a deputy campaign treasurer of a candidate after
23 the date at which the candidate withdraws his or her
24 candidacy, or after the date the candidate is defeated,
25 becomes unopposed, or is elected to office must be returned to
26 the person or committee contributing it and may not be used or
27 expended by or on behalf of the candidate.

28 (c) With respect to any campaign for an office in
29 which an independent or minor party candidate has filed as
30 required in s. 99.0955 or s. 99.096, but whose qualification
31 is pending a determination by the Department of State or

1 supervisor of elections as to whether or not the required
2 number of petition signatures was obtained:

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

6 2. Any contribution received by a candidate or the
7 campaign treasurer or deputy campaign treasurer of a candidate
8 after the candidate has been notified in writing by the
9 department or supervisor that he or she has become unopposed
10 as a result of an independent or minor party candidate failing
11 to obtain the required number of petition signatures shall be
12 returned to the person, political committee, or committee of
13 continuous existence contributing it and shall not be used or
14 expended by or on behalf of the candidate.

15 (5)~~(4)~~ Any contribution received by the chair,
16 campaign treasurer, or deputy campaign treasurer of a
17 political committee supporting or opposing a candidate with
18 opposition in an election or supporting or opposing an issue
19 on the ballot in an election on the day of that election or
20 less than 5 days prior to the day of that election may not be
21 obligated or expended by the committee until after the date of
22 the election.

23 (6)~~(5)~~ A person may not make any contribution through
24 or in the name of another, directly or indirectly, in any
25 election. Candidates, political committees, and political
26 parties may not solicit contributions from or make
27 contributions to any religious, charitable, civic, or other
28 causes or organizations established primarily for the public
29 good. However, it is not a violation of this subsection for a
30 candidate, political committee, or political party executive
31 committee to make gifts of money in lieu of flowers in memory

1 of a deceased person or for a candidate to continue membership
2 in, or make regular donations from personal or business funds
3 to, religious, political party, civic, or charitable groups of
4 which the candidate is a member or to which the candidate has
5 been a regular donor for more than 6 months. A candidate may
6 purchase, with campaign funds, tickets, admission to events,
7 or advertisements from religious, civic, political party, or
8 charitable groups.

9 (7)~~(6)~~ A political party may not accept any
10 contribution which has been specifically designated for the
11 partial or exclusive use of a particular candidate. Any
12 contribution so designated must be returned to the contributor
13 and may not be used or expended by or on behalf of the
14 candidate.

15 (8)~~(7)~~(a) Any person who knowingly and willfully makes
16 no more than one contribution in violation of subsection (1),
17 subsection (2), or subsection~~(6)~~~~(5)~~, or any person who
18 knowingly and willfully fails or refuses to return any
19 contribution as required in subsection~~(4)~~~~(3)~~, commits a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083. If any corporation, partnership, or
22 other business entity or any political party, political
23 committee, or committee of continuous existence is convicted
24 of knowingly and willfully violating any provision punishable
25 under this paragraph, it shall be fined not less than \$1,000
26 and not more than \$10,000. If it is a domestic entity, it may
27 be ordered dissolved by a court of competent jurisdiction; if
28 it is a foreign or nonresident business entity, its right to
29 do business in this state may be forfeited. Any officer,
30 partner, agent, attorney, or other representative of a
31 corporation, partnership, or other business entity or of a

1 political party, political committee, or committee of
2 continuous existence who aids, abets, advises, or participates
3 in a violation of any provision punishable under this
4 paragraph commits a misdemeanor of the first degree,
5 punishable as provided in s. 775.082 or s. 775.083.

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

26 (9) ~~(8)~~ Except when otherwise provided in subsection
27 (8) ~~(7)~~, any person who knowingly and willfully violates any
28 provision of this section shall, in addition to any other
29 penalty prescribed by this chapter, pay to the state a sum
30 equal to twice the amount contributed in violation of this
31 chapter. Each campaign treasurer shall pay all amounts

1 contributed in violation of this section to the state for
2 deposit in the General Revenue Fund.

3 (10)~~(9)~~ This section does not apply to the transfer of
4 funds between a primary campaign depository and a savings
5 account or certificate of deposit or to any interest earned on
6 such account or certificate.

7 Section 5. Section 106.087, Florida Statutes, is
8 amended to read:

9 106.087 Independent expenditures; contribution limits;
10 restrictions on political parties, ~~political committees, and~~
11 ~~committees of continuous existence.--~~

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

21
22 State of Florida
23 County of....

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

1 ~~official. However, expenditures may be made for the sole~~
2 ~~purpose of jointly endorsing three or more candidates.~~

3 ~~(b) Any political committee or committee of continuous~~
4 ~~existence that violates this subsection is liable for a civil~~
5 ~~fine of up to \$5,000 to be determined by the Florida Elections~~
6 ~~Commission or the entire amount of the expenditures, whichever~~
7 ~~is greater.~~

8 Section 6. For the purpose of incorporating the
9 amendments to sections 106.08 and 106.265, Florida Statutes,
10 in references thereto, subsections (1) and (3) of section
11 106.19, Florida Statutes, are reenacted to read:

12 106.19 Violations by candidates, persons connected
13 with campaigns, and political committees.--

14 (1) Any candidate; campaign manager, campaign
15 treasurer, or deputy treasurer of any candidate; committee
16 chair, vice chair, campaign treasurer, deputy treasurer, or
17 other officer of any political committee; agent or person
18 acting on behalf of any candidate or political committee; or
19 other person who knowingly and willfully:

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

22 (b) Fails to report any contribution required to be
23 reported by this chapter;

24 (c) Falsely reports or deliberately fails to include
25 any information required by this chapter; or

26 (d) Makes or authorizes any expenditure in violation
27 of s. 106.11(3) or any other expenditure prohibited by this
28 chapter;

29
30 is guilty of a misdemeanor of the first degree, punishable as
31 provided in s. 775.082 or s. 775.083.

1 (3) A political committee sponsoring a constitutional
2 amendment proposed by initiative which submits a petition form
3 gathered by a paid petition circulator which does not provide
4 the name and address of the paid petition circulator on the
5 form is subject to the civil penalties prescribed in s.
6 106.265.

7 Section 7. Subsection (6) of section 106.29, Florida
8 Statutes, is amended to read:

9 106.29 Reports by political parties; restrictions on
10 contributions and expenditures; penalties.--

11 (6)(a) The national, state, and county executive
12 committees of a political party, including any subordinate
13 committee of a national, state, or county executive committee
14 of a political party, may not contribute to any candidate any
15 amount in excess of the limits contained in s. 106.08(3)(2),
16 ~~and all contributions required to be reported under s.~~
17 ~~106.08(2) by the national executive committee of a political~~
18 ~~party shall be reported by the state executive committee of~~
19 ~~that political party.~~

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

26 Section 8. Sections 106.30, 106.31, 106.32, 106.33,
27 106.34, 106.35, 106.353, 106.355, and 106.36, Florida
28 Statutes, are repealed.

29 Section 9. Paragraph (b) of subsection (1) of section
30 106.07, Florida Statutes, is amended to read:

31 106.07 Reports; certification and filing.--

1 (1) Each campaign treasurer designated by a candidate
2 or political committee pursuant to s. 106.021 shall file
3 regular reports of all contributions received, and all
4 expenditures made, by or on behalf of such candidate or
5 political committee. Reports shall be filed on the 10th day
6 following the end of each calendar quarter from the time the
7 campaign treasurer is appointed, except that, if the 10th day
8 following the end of a calendar quarter occurs on a Saturday,
9 Sunday, or legal holiday, the report shall be filed on the
10 next following day which is not a Saturday, Sunday, or legal
11 holiday. Quarterly reports shall include all contributions
12 received and expenditures made during the calendar quarter
13 which have not otherwise been reported pursuant to this
14 section.

15 (b) Following the last day of qualifying for office,
16 any statewide or legislative candidate who has requested to
17 receive contributions from the Clean-Money ~~Election Campaign~~
18 ~~Financing~~ Trust Fund or any statewide or legislative candidate
19 in a race with a candidate who has requested to receive
20 contributions from the trust fund shall file reports on the
21 4th, 11th, 18th, 25th, and 32nd days prior to the first
22 primary and general elections, and on the 4th, 11th, 18th, and
23 25th days prior to the second primary.

24 Section 10. Subsection (4) of section 106.141, Florida
25 Statutes, is amended to read:

26 106.141 Disposition of surplus funds by candidates.--

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

1 1. Return pro rata to each contributor the funds that
2 have not been spent or obligated.

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

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

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

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

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

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

24 Section 11. Subsection (6) of section 106.22, Florida
25 Statutes, is amended to read:

26 106.22 Duties of the Division of Elections.--It is the
27 duty of the Division of Elections to:

28 (6) Make, from time to time, audits and field
29 investigations with respect to reports and statements filed
30 under the provisions of this chapter and with respect to
31 alleged failures to file any report or statement required

1 under the provisions of this chapter. The division shall
2 conduct a postelection audit of the campaign accounts of all
3 candidates receiving contributions from the Clean-Money
4 ~~Election Campaign Financing~~ Trust Fund.

5 Section 12. Subsections (3) and (4) of section
6 106.265, Florida Statutes, are amended to read:

7 106.265 Civil penalties.--

8 (3)(a) Any civil penalty collected pursuant to the
9 provisions of this section shall be deposited into the
10 Clean-Money ~~Election Campaign Financing~~ Trust Fund.

11 (b)(4) Notwithstanding any other provisions of this
12 chapter, any fine assessed pursuant to the provisions of this
13 chapter, which fine is designated to be deposited or which
14 would otherwise be deposited into the General Revenue Fund of
15 the state, shall be deposited into the Clean-Money ~~Election~~
16 ~~Campaign Financing~~ Trust Fund.

17 (c) A 10-percent surcharge shall be assessed against
18 each civil fine required to be deposited into the Clean-Money
19 Trust Fund, and the funds from the surcharge shall also be
20 deposited into the Clean-Money Trust Fund.

21 Section 13. Subsection (13) of section 199.052,
22 Florida Statutes, is amended to read:

23 199.052 Annual tax returns; payment of annual tax.--

24 (13) The annual intangible tax return shall include
25 language permitting a voluntary contribution of \$5 per
26 taxpayer, which contribution shall be transferred into the
27 Clean-Money ~~Election Campaign Financing~~ Trust Fund. A
28 statement providing an explanation of the purpose of the trust
29 fund shall also be included.

30 Section 14. Subsection (13) of section 320.02, Florida
31 Statutes, is amended to read:

1 320.02 Registration required; application for
2 registration; forms.--

3 (13) The application form for motor vehicle
4 registration shall include language permitting a voluntary
5 contribution of \$5 per applicant, which contribution shall be
6 transferred into the Clean-Money ~~Election Campaign Financing~~
7 Trust Fund. A statement providing an explanation of the
8 purpose of the trust fund shall also be included.

9 Section 15. Paragraph (a) of subsection (6) of section
10 322.08, Florida Statutes, is amended to read:

11 322.08 Application for license.--

12 (6) The application form for a driver's license or
13 duplicate thereof shall include language permitting the
14 following:

15 (a) A voluntary contribution of \$5 per applicant,
16 which contribution shall be transferred into the Clean-Money
17 ~~Election Campaign Financing~~ Trust Fund.

18
19 A statement providing an explanation of the purpose of the
20 trust funds shall also be included.

21 Section 16. Subsection (11) of section 328.72, Florida
22 Statutes, is amended to read:

23 328.72 Classification; registration; fees and charges;
24 surcharge; disposition of fees; fines; marine turtle
25 stickers.--

26 (11) VOLUNTARY CONTRIBUTIONS.--The application form
27 for boat registration shall include a provision to allow each
28 applicant to indicate a desire to pay an additional voluntary
29 contribution to the Save the Manatee Trust Fund to be used for
30 the purposes specified in s. 370.12(4). This contribution
31 shall be in addition to all other fees and charges. The amount

1 of the request for a voluntary contribution solicited shall be
2 \$2 or \$5 per registrant. A registrant who provides a
3 voluntary contribution of \$5 or more shall be given a sticker
4 or emblem by the tax collector to display, which signifies
5 support for the Save the Manatee Trust Fund. All voluntary
6 contributions shall be deposited in the Save the Manatee Trust
7 Fund and shall be used for the purposes specified in s.
8 370.12(4). The form shall also include language permitting a
9 voluntary contribution of \$5 per applicant, which contribution
10 shall be transferred into the Clean-Money ~~Election Campaign~~
11 ~~Financing~~ Trust Fund. A statement providing an explanation of
12 the purpose of the trust fund shall also be included.

13 Section 17. Subsection (1) of section 607.1622,
14 Florida Statutes, is amended to read:

15 607.1622 Annual report for Department of State.--

16 (1) Each domestic corporation and each foreign
17 corporation authorized to transact business in this state
18 shall deliver to the Department of State for filing a sworn
19 annual report on such forms as the Department of State
20 prescribes that sets forth:

21 (a) The name of the corporation and the state or
22 country under the law of which it is incorporated;

23 (b) The date of incorporation or, if a foreign
24 corporation, the date on which it was admitted to do business
25 in this state;

26 (c) The address of its principal office and the
27 mailing address of the corporation;

28 (d) The corporation's federal employer identification
29 number, if any, or, if none, whether one has been applied for;

30 (e) The names and business street addresses of its
31 directors and principal officers;

1 (f) The street address of its registered office and
2 the name of its registered agent at that office in this state;

3 (g) Whether the corporation has liability for
4 intangible taxes under s. 199.032. The Department of State
5 shall annually prepare a list of those corporations that have
6 indicated no intangible tax liability, and provide such list
7 to the Department of Revenue;

8 (h) Language permitting a voluntary contribution of \$5
9 per taxpayer, which contribution shall be transferred into the
10 Clean-Money ~~Election Campaign Financing~~ Trust Fund. A
11 statement providing an explanation of the purpose of the trust
12 fund shall also be included; and

13 (i) Such additional information as may be necessary or
14 appropriate to enable the Department of State to carry out the
15 provisions of this act.

16 Section 18. For the purpose of incorporating the
17 amendment to section 106.265, Florida Statutes, in references
18 thereto, subsection (8) of section 106.143 and subsection (2)
19 of section 106.144, Florida Statutes, are reenacted to read:

20 106.143 Political advertisements circulated prior to
21 election; requirements.--

22 (8) Any person who willfully violates any provision of
23 this section is subject to the civil penalties prescribed in
24 s. 106.265.

25 106.144 Endorsements or opposition by certain groups
26 and organizations.--

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

31

1 Section 19. If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 invalidity shall not affect other provisions or applications
4 of the act which can be given effect without the invalid
5 provision or application, and to this end the provisions of
6 this act are declared severable.

7 Section 20. This act shall take effect July 1, 2002,
8 if Senate Bill or similar legislation creating the
9 Clean-Money Trust Fund is adopted in the same legislative
10 session or an extension thereof and becomes law.

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LEGISLATIVE SUMMARY

Creates the "Florida Clean Elections Act" to provide clean-money campaign funding for candidates for statewide or legislative office. Provides eligibility requirements for clean-money campaign funding for candidates for statewide or legislative office. Provides transitional requirements for the current election cycle. Provides a continuing obligation to comply. Provides limitations on contributions and expenditures and on the use of personal funds. Provides for seed-money contributions. Provides for participation in debates. Provides for certification of eligibility. Specifies benefits for participating candidates. Provides for the amounts and payment schedule of clean-money funding. Provides limitations on the expenditure of clean-money funds. Provides for disclosure of excess spending by nonparticipating candidates. Provides for disclosure of and additional clean money to respond to independent expenditures. Provides for disclosure of and additional clean money to respond to issue advertisements. Directs the Secretary of State to create a nonpartisan Voter Information Commission and provides its duties. Requires publicly funded television and radio stations to provide free coverage of debates for specified elections. Provides limitations on mailing privileges of certain public officials. Provides revenue sources for the Clean-Money Trust Fund. Provides for the administration and dispersal of clean-money funds. Provides limits on political party contributions and expenditures.

Redefines the term "political advertisement." Eliminates authorization for unrestricted expenditures by political committees and political parties to jointly endorse three or more candidates. Provides limits on contributions to political parties, and revises limits on contributions to candidates by political parties. Eliminates a restriction on independent expenditures by political committees and committees of continuous existence that use public resources to collect dues. Revises reporting requirements of political parties.

Repeals the "Florida Election Campaign Financing Act." Provides for deposit of various fines, surplus funds, and voluntary contributions in the Clean-Money Trust Fund. Provides for a surcharge on civil penalties to be deposited into the trust fund and for deposit of the surcharge funds into the trust fund. (See bill for details.)