

By Representative Slosberg

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, F.S., relating to penalties, to
23 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 cross
27 references; repealing ss. 106.30-106.36, F.S.,
28 the "Florida Election Campaign Financing Act,"
29 to conform; amending s. 46, ch. 2001-40, Laws
30 of Florida, and ss. 106.07, 106.141, 106.22,
31 106.265, 199.052, 320.02, 322.08, 328.72, and

1 607.1622, F.S.; revising references and
2 providing for deposit of various fines, surplus
3 funds, and voluntary contributions in the Clean
4 Money Trust Fund, to conform; providing for a
5 surcharge on civil penalties to be deposited
6 into the trust fund and for deposit of the
7 surcharge funds into the trust fund; reenacting
8 ss. 106.143(8) and 106.144(2), F.S., relating
9 to the circulation of political advertisements
10 and endorsements or opposition by certain
11 groups and organizations, to incorporate the
12 amendment to s. 106.265, F.S., in references
13 thereto; providing severability; providing a
14 contingent effective date.

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

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

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

22 106.402 Findings and declarations.--

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

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

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

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

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

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

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

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

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

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

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

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1 (a) It would help eliminate the deleterious influence
2 of large contributions on the political process, remove access
3 to wealth as a major determinant of a person's influence
4 within the political process, and restore meaning to the
5 principle of "one person, one vote."

6 (b) It would help restore the rights of all citizens
7 to equal and meaningful participation in the democratic
8 process.

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

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

17 (e) It would diminish the public perception of
18 corruption and strengthen public confidence in the democratic
19 process and democratic institutions.

20 (f) It would halt and reverse the escalating cost of
21 elections.

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

26 (h) It would facilitate communication with the
27 electorate by candidates, regardless of their access to large
28 sums of campaign money.

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

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

12 106.403 Definitions.--As used in ss. 106.401-106.426,
13 except where the context clearly indicates otherwise, the
14 term:

15 (1) "Allowable contribution" means a qualifying
16 contribution or a seed money contribution.

17 (2) "Clean money qualifying period" means the period
18 during which candidates for statewide or legislative office
19 are permitted to collect qualifying contributions in order to
20 qualify for clean money funding. For legislative races, it
21 begins on the 60th day before the beginning of the first
22 primary election campaign period and ends on the 30th day
23 before the day of the first primary election. For
24 gubernatorial and other statewide races, it begins on the
25 120th day before the beginning of the first primary election
26 campaign period and ends on the 30th day before the day of the
27 first primary election.

28 (3) "Commission" means the Florida Elections
29 Commission.

30 (4) "Department" means the Department of State.
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1 (5) "Division" means the Division of Elections of the
2 Department of State.

3 (6) "Excess expenditure amount" means the amount of
4 money spent or obligated to be spent by a nonparticipating
5 candidate in excess of the clean money amount available to a
6 participating candidate running for the same office.

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

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

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

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

22 (11) "Mass mailing" means any mailing of 200 or more
23 identical or substantively identical pieces of mail sent by a
24 candidate for statewide or legislative office or an elected
25 official holding a statewide or legislative office to the
26 voters, residents, or postal box-holders within the
27 territorial jurisdiction of the office sought by such
28 candidate or held by such official. Such mailings, consisting
29 of substantively identical letters, newsletters, pamphlets,
30 brochures, or other written material, are distinct from
31 mailings made in direct response to communications from

1 persons or groups to whom the matter is mailed; mailings to
2 federal, state, or local government officials; and news
3 releases to the communications media, all of which are exempt
4 from this definition.

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

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

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

20 (15) "Qualifying contribution" means a contribution of
21 \$5 that is received during the applicable clean money
22 qualifying period by a candidate seeking to become eligible
23 for clean money campaign funding and that is acknowledged by a
24 written receipt identifying the contributor. Contributors
25 must be registered voters who reside within the territorial
26 jurisdiction of the office and who are therefore eligible to
27 vote for that candidate. Qualifying contributions must be
28 made in cash or by check or money order; must be accompanied
29 by a receipt fully identifying the contributor which includes
30 a signed statement indicating that he or she fully understands
31 the purpose of the contribution and that the contribution is

1 made without coercion or reimbursement; and must be turned
2 over to the division for deposit in the Clean Money Trust
3 Fund. Qualifying contributions must be gathered by the
4 candidates themselves or by volunteers who receive no
5 compensation.

6 (16) "Second primary election campaign period" means
7 the period beginning the day after the first primary election
8 and ending on the day of the second primary election.

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

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

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

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1 106.404 Eligibility for clean money campaign funding
2 for party candidates.--

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

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

14 (b) Meets the following qualifying contribution
15 requirements before the close of the clean money qualifying
16 period:

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

19 a. For a candidate running for the office of state
20 representative, 500.

21 b. For a candidate running for the office of state
22 senator, 1,500.

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

24 d. For a candidate running for the office of Governor,
25 20,000.

26 2. Each qualifying contribution must be:

27 a. Acknowledged by a receipt to the contributor with a
28 copy to be kept by the candidate and a copy to be submitted to
29 the division. The receipt shall indicate, by the
30 contributor's signature, that the contributor understands that
31 the purpose of the contribution is to help the candidate

1 qualify for clean money campaign funding and that he or she is
2 currently registered to vote in the territorial jurisdiction
3 of the office sought by the candidate. The receipt must
4 include the contributor's signature, printed name, home
5 address, and telephone number and the name of the candidate on
6 whose behalf the contribution is made.

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

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

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

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

25 106.405 Eligibility for clean money campaign funding
26 for independent candidates.--

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

30 (a) Files a declaration with the division that he or
31 she has complied and will continue to comply with the

1 requirements of ss. 106.401-106.426, especially the
2 requirement that during the seed money period and the clean
3 money qualifying period the candidate not accept or spend
4 private contributions from any source other than seed money
5 contributions and qualifying contributions, unless the
6 provisions of s. 106.406 apply; and

7 (b) Meets the following qualifying contribution
8 requirements before the close of the clean money qualifying
9 period:

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

13 2. Each qualifying contribution must be:

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

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

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1 (2) An independent candidate qualifies as a
2 participating candidate for the general election campaign
3 period if:

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

10 (b) During the first and second primary election
11 campaign periods, he or she has fulfilled all of the
12 requirements of a participating candidate as stated in ss.
13 106.401-106.426.

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

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

1 Lieutenant Governor with a nonparticipating candidate for
2 Governor.

3 106.408 Contributions and expenditures; limitations
4 and reporting.--

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

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

18 (3) During the primary and general election campaign
19 periods, a participating candidate must pay for all of his or
20 her campaign expenditures, except petty cash expenditures, by
21 means of the clean money debit card, as specified in s.
22 106.424.

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

29 106.409 Use of personal funds.--

30 (1) Personal funds contributed as seed money by a
31 candidate seeking to become eligible as a participating

1 candidate or by adult members of his or her immediate family
2 may not exceed the maximum of \$100 in the aggregate per
3 contributor.

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

11 106.410 Seed money contributions.--

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

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

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

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

26 (c) For a candidate running for Cabinet office,
27 \$200,000.

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

30 (3) Receipts for seed money contributions under \$25
31 must include the contributor's signature, printed name, and

1 address. Receipts for seed money contributions of \$25 or more
2 must include the contributor's signature, printed name, street
3 address and zip code, telephone number, occupation, and name
4 of employer. Contributions may not be accepted if the
5 required disclosure information is not provided.

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

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

16 106.411 Participation in debates.--

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

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

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

29 106.412 Certification of eligibility.--

30 (1) No more than 5 days after a candidate applies for
31 clean money benefits, the division shall certify or fail to

1 certify the candidate as eligible. Eligibility may be revoked
2 if the candidate violates any of the requirements of ss.
3 106.401-106.426; in which case, all clean money funds received
4 by the candidate must be repaid.

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

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

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

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

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

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

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

29 (d) Receive additional clean money funding to match
30 any independent expenditure made in opposition to their
31

1 candidacies or on behalf of their opponents' candidacies, as
2 specified in s. 106.418.

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

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

14 106.414 Schedule of clean money payments.--

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

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

29 (2)(a) An eligible independent candidate shall receive
30 his or her clean money funding for the first or second primary
31 election campaign period on the date on which the division

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

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

12 106.415 Determination of clean money amounts.--

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

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

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

20 3. For a candidate running for Cabinet office,
21 \$700,000.

22 4. For a candidate running for the office of Governor,
23 \$2 million.

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

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

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

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

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

7 3. For a candidate running for Cabinet office, \$1
8 million.

9 4. For a candidate running for the office of Governor,
10 \$5 million.

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

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

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

22 106.416 Expenditures made with clean money funds.--

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

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

31

1 106.417 Disclosure of excess spending by
2 nonparticipating candidates.--

3 (1) If a nonparticipating candidate's total
4 expenditures for a primary or general election campaign period
5 exceed the amount of clean money funding allocated to his or
6 her clean money opponent for that period, he or she shall
7 disclose to the division within 48 hours each excess
8 expenditure amount which, in the aggregate, is more than
9 \$1,000.

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

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

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

24 106.418 Disclosure of and additional clean money to
25 respond to independent expenditures.--

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

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

31

1 1. By a person in cooperation, consultation, or
2 concert with, at the request or suggestion of, or pursuant to
3 a particular understanding with a candidate, a candidate's
4 campaign committee, or an agent acting on behalf of a
5 candidate or a candidate's campaign committee;

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

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

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

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

28 6. By a person if the person making the payment
29 retains the professional services of an individual or person
30 who, in a nonministerial capacity, has provided or is
31 providing campaign-related services in the same election cycle

1 to a candidate who is pursuing the same nomination or election
2 as any of the candidates to whom the communication refers.

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

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

30 (d) "Professional services" includes services in
31 support of a candidate's pursuit of nomination for election or

1 election to statewide or legislative office, such as polling,
2 media advice, direct mail, fundraising, or campaign research.

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

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

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

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

1 with the amount of the independent expenditures of the
2 nonparticipating candidate benefiting from the independent
3 expenditure exceeds the amount of clean money funding received
4 by the participating candidate.

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

11 106.419 Disclosure of and additional clean money to
12 respond to issue advertisements.--

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

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

30 (3) Upon receiving a report under this section that an
31 issue advertisement has been made or is obligated to be made,

1 and upon determination that the advertisement can reasonably
2 be interpreted as having the effect of promoting the defeat of
3 a participating candidate or the election of that candidate's
4 opponent, the division shall immediately authorize the release
5 to that candidate of additional clean money funding, equal in
6 amount to the cost of the issue advertisement, subject to the
7 limit set forth in s. 106.413(2).

8 106.420 Voter Information Commission.--

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

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

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

26 (4) The Voter Information Commission shall evaluate,
27 or delegate the evaluation of, the veracity of a candidate's
28 own political advertisements submitted by participating
29 candidates to determine whether each advertisement meets the
30 standards of "Truth in Campaigning" as established by the
31 Voter Information Commission and the division and reviewed

1 biennially prior to the filing date for candidates in each
2 general election year. Upon determination of qualification
3 for an advertisement, the Voter Information Commission shall
4 immediately notify the candidate and the division that the
5 advertisement meets the established standards of "Truth in
6 Campaigning."

7 106.421 Broadcast debates.--

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

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

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

22 106.422 Limit on use of public official mailing
23 privileges.--

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

1 (2) The normal privileges for elected officials
2 holding a statewide or legislative office shall remain
3 applicable to mailings not covered under the definition of
4 mass mailing in s. 106.403(11).

5 106.423 Revenue sources for the Clean Money Trust
6 Fund.--

7 (1) The Legislature may appropriate funds which, when
8 added to the revenue outlined in subsection (2), will be
9 sufficient to fully carry out the provisions of ss.
10 106.401-106.426, and such funds shall be deposited in the
11 Clean Money Trust Fund.

12 (2) Other sources of revenue to be deposited in the
13 Clean Money Trust Fund include:

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

19 (b) The excess seed money contributions of candidates
20 seeking to become certified as participating candidates.

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

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

31

- 1 (e) Voluntary donations made directly to the trust
2 fund.
- 3 (f) Funds from the surcharge on civil penalties levied
4 under s. 106.265(3).
- 5 (g) Any interest generated by the trust fund.
- 6 (h) Any other sources of revenue authorized by law.
- 7 106.424 Administration and dispersal of clean money.--
8 (1) Upon determination that a candidate has met all
9 the requirements for becoming a participating candidate as
10 provided in ss. 106.401-106.426, the division shall authorize
11 the issuance to the candidate of a clean money debit card and
12 a line of debit entitling the candidates and members of the
13 candidate's staff to draw clean money funds from a state
14 account to pay for all campaign costs and expenses up to the
15 amount of clean money funding the candidate has been
16 authorized.
- 17 (2) Neither a participating candidate nor any other
18 person on behalf of a participating candidate shall pay
19 campaign costs by cash, check, money order, loan, or any other
20 financial means besides the clean money debit card, except as
21 otherwise provided in subsection (3).
- 22 (3) Cash amounts of \$500 or less per day may be drawn
23 on the clean money debit card and used to pay expenses of no
24 more than \$100 each. Records of all such expenditures must be
25 maintained and reported to the division.
- 26 (4) Upon determination by the Voter Information
27 Commission that a candidate's political advertisement
28 qualifies under the "Truth in Campaigning" standards proposed
29 by the Voter Information Commission and adopted by the
30 division, the division shall authorize payment for the
31 broadcast advertisement, which may be made directly to

1 broadcast vendors in the candidate's behalf, except that the
2 amount of payments for each candidate in each election may not
3 exceed an aggregate total of \$5,000.

4 106.425 Political party contributions and
5 expenditures.--

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

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

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

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

28 106.011 Definitions.--As used in this chapter, the
29 following terms have the following meanings unless the context
30 clearly indicates otherwise:
31

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

16 (b) ~~However,~~ "Political advertisement" does not
17 include:

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

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

26 3. A paid expression in any communications media that
27 mentions or shows a clearly identifiable candidate for
28 election or reelection and that:

29 a. Advertises a business rather than the candidate, is
30 paid for out of funds of that business, and is similar to
31 other advertisements for that business that have mentioned or

1 shown the candidate and have been distributed on a regular
2 basis over a period of at least 1 year prior to the qualifying
3 period for that candidacy; or

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

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

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

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

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

28 106.08 Contributions; limitations on.--

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

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

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

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

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

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

1 executive committee of a political party, which contributions,
2 including in-kind contributions, in the aggregate in any
3 calendar year exceed \$5,000.

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

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

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

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

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

29 (c) With respect to any campaign for an office in
30 which an independent or minor party candidate has filed as
31 required in s. 99.0955 or s. 99.096, but whose qualification

1 is pending a determination by the Department of State or
2 supervisor of elections as to whether or not the required
3 number of petition signatures was obtained:

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

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

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

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

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

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

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

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

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

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

1 chapter. Each campaign treasurer shall pay all amounts
2 contributed in violation of this section to the state for
3 deposit in the General Revenue Fund.

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

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

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

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

22

23 State of Florida

24 County of....

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

1 ~~support of or opposition to a candidate or elected public~~
2 ~~official. However, expenditures may be made for the sole~~
3 ~~purpose of jointly endorsing three or more candidates.~~

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

9 Section 6. For the purpose of incorporating the
10 amendments to sections 106.08 and 106.265, Florida Statutes,
11 in references thereto, section 106.19, Florida Statutes, is
12 reenacted to read:

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

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

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

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

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

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

30
31

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

3 (2) Any candidate, campaign treasurer, or deputy
4 treasurer; any chair, vice chair, or other officer of any
5 political committee; any agent or person acting on behalf of
6 any candidate or political committee; or any other person who
7 violates paragraph (1)(a), paragraph (1)(b), or paragraph
8 (1)(d) shall be subject to a civil penalty equal to three
9 times the amount involved in the illegal act. Such penalty
10 may be in addition to the penalties provided by subsection (1)
11 and shall be paid into the General Revenue Fund of this state.

12 (3) A political committee sponsoring a constitutional
13 amendment proposed by initiative which submits a petition form
14 gathered by a paid petition circulator which does not provide
15 the name and address of the paid petition circulator on the
16 form is subject to the civil penalties prescribed in s.
17 106.265.

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

20 106.29 Reports by political parties; restrictions on
21 contributions and expenditures; penalties.--

22 (6)(a) The national, state, and county executive
23 committees of a political party, including any subordinate
24 committee of a national, state, or county executive committee
25 of a political party, may not contribute to any candidate any
26 amount in excess of the limits contained in s. 106.08~~(3)(2)~~,
27 ~~and all contributions required to be reported under s.~~
28 ~~106.08(2) by the national executive committee of a political~~
29 ~~party shall be reported by the state executive committee of~~
30 ~~that political party.~~

31

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

7 Section 8. Sections 106.30, 106.31, 106.32, 106.33,
8 106.34, 106.35, 106.353, 106.355, and 106.36, Florida
9 Statutes, are repealed.

10 Section 9. Paragraph (b) of subsection (4) of section
11 46 of chapter 2001-40, Laws of Florida, is amended to read:

12 Section 46.

13 (4)

14 (b) Following the last day of qualifying for office,
15 any statewide candidate who has requested to receive
16 contributions from the Clean Money ~~Election Campaign Financing~~
17 Trust Fund or any statewide candidate in a race with a
18 candidate who has requested to receive contributions from the
19 trust fund shall file reports on the 4th, 11th, 18th, 25th,
20 32nd, 39th, 46th, and 53rd days prior to the general election.

21 Section 10. Paragraph (b) of subsection (1) of section
22 106.07, Florida Statutes, is amended to read:

23 106.07 Reports; certification and filing.--

24 (1) Each campaign treasurer designated by a candidate
25 or political committee pursuant to s. 106.021 shall file
26 regular reports of all contributions received, and all
27 expenditures made, by or on behalf of such candidate or
28 political committee. Reports shall be filed on the 10th day
29 following the end of each calendar quarter from the time the
30 campaign treasurer is appointed, except that, if the 10th day
31 following the end of a calendar quarter occurs on a Saturday,

1 Sunday, or legal holiday, the report shall be filed on the
2 next following day which is not a Saturday, Sunday, or legal
3 holiday. Quarterly reports shall include all contributions
4 received and expenditures made during the calendar quarter
5 which have not otherwise been reported pursuant to this
6 section.

7 (b) Following the last day of qualifying for office,
8 any statewide or legislative candidate who has requested to
9 receive contributions from the Clean Money ~~Election Campaign~~
10 ~~Financing~~ Trust Fund or any statewide or legislative candidate
11 in a race with a candidate who has requested to receive
12 contributions from the trust fund shall file reports on the
13 4th, 11th, 18th, 25th, and 32nd days prior to the first
14 primary and general elections, and on the 4th, 11th, 18th, and
15 25th days prior to the second primary.

16 Section 11. Subsection (4) of section 106.141, Florida
17 Statutes, is amended to read:

18 106.141 Disposition of surplus funds by candidates.--

19 (4)(a) Except as provided in paragraph (b), any
20 candidate required to dispose of funds pursuant to this
21 section shall, at the option of the candidate, dispose of such
22 funds by any of the following means, or any combination
23 thereof:

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

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

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

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

6 a. In the case of a candidate for state office, to the
7 state, to be deposited in either the Clean Money Election
8 ~~Campaign Financing~~ Trust Fund or the General Revenue Fund, as
9 designated by the candidate; or

10 b. In the case of a candidate for an office of a
11 political subdivision, to such political subdivision, to be
12 deposited in the general fund thereof.

13 (b) Any candidate required to dispose of funds
14 pursuant to this section who has received contributions from
15 the Clean Money Election Campaign Financing Trust Fund shall
16 return all surplus campaign funds to the Clean Money Election
17 ~~Campaign Financing~~ Trust Fund.

18 Section 12. Subsection (6) of section 106.22, Florida
19 Statutes, is amended to read:

20 106.22 Duties of the Division of Elections.--It is the
21 duty of the Division of Elections to:

22 (6) Make, from time to time, audits and field
23 investigations with respect to reports and statements filed
24 under the provisions of this chapter and with respect to
25 alleged failures to file any report or statement required
26 under the provisions of this chapter. The division shall
27 conduct a postelection audit of the campaign accounts of all
28 candidates receiving contributions from the Clean Money
29 ~~Election Campaign Financing~~ Trust Fund.

30 Section 13. Subsections (3) and (4) of section
31 106.265, Florida Statutes, are amended to read:

1 106.265 Civil penalties.--

2 (3)(a) Any civil penalty collected pursuant to the
3 provisions of this section shall be deposited into the Clean
4 Money Election Campaign Financing Trust Fund.

5 (b)(4) Notwithstanding any other provisions of this
6 chapter, any fine assessed pursuant to the provisions of this
7 chapter, which fine is designated to be deposited or which
8 would otherwise be deposited into the General Revenue Fund of
9 the state, shall be deposited into the Clean Money Election
10 Campaign Financing Trust Fund.

11 (c) A 10-percent surcharge shall be assessed against
12 each civil fine required to be deposited into the Clean Money
13 Trust Fund, and the funds from the surcharge shall also be
14 deposited into the Clean Money Trust Fund.

15 Section 14. Subsection (13) of section 199.052,
16 Florida Statutes, is amended to read:

17 199.052 Annual tax returns; payment of annual tax.--

18 (13) The annual intangible tax return shall include
19 language permitting a voluntary contribution of \$5 per
20 taxpayer, which contribution shall be transferred into the
21 Clean Money Election Campaign Financing Trust Fund. A
22 statement providing an explanation of the purpose of the trust
23 fund shall also be included.

24 Section 15. Subsection (13) of section 320.02, Florida
25 Statutes, is amended to read:

26 320.02 Registration required; application for
27 registration; forms.--

28 (13) The application form for motor vehicle
29 registration shall include language permitting a voluntary
30 contribution of \$5 per applicant, which contribution shall be
31 transferred into the Clean Money Election Campaign Financing

1 Trust Fund. A statement providing an explanation of the
2 purpose of the trust fund shall also be included.

3 Section 16. Paragraph (a) of subsection (6) of section
4 322.08, Florida Statutes, is amended to read:

5 322.08 Application for license.--

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

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

12

13 A statement providing an explanation of the purpose of the
14 trust funds shall also be included.

15 Section 17. Subsection (11) of section 328.72, Florida
16 Statutes, is amended to read:

17 328.72 Classification; registration; fees and charges;
18 surcharge; disposition of fees; fines; marine turtle
19 stickers.--

20 (11) VOLUNTARY CONTRIBUTIONS.--The application form
21 for boat registration shall include a provision to allow each
22 applicant to indicate a desire to pay an additional voluntary
23 contribution to the Save the Manatee Trust Fund to be used for
24 the purposes specified in s. 370.12(4). This contribution
25 shall be in addition to all other fees and charges. The amount
26 of the request for a voluntary contribution solicited shall be
27 \$2 or \$5 per registrant. A registrant who provides a
28 voluntary contribution of \$5 or more shall be given a sticker
29 or emblem by the tax collector to display, which signifies
30 support for the Save the Manatee Trust Fund. All voluntary
31 contributions shall be deposited in the Save the Manatee Trust

1 Fund and shall be used for the purposes specified in s.
2 370.12(4). The form shall also include language permitting a
3 voluntary contribution of \$5 per applicant, which contribution
4 shall be transferred into the Clean Money ~~Election Campaign~~
5 ~~Financing~~ Trust Fund. A statement providing an explanation of
6 the purpose of the trust fund shall also be included.

7 Section 18. Subsection (1) of section 607.1622,
8 Florida Statutes, is amended to read:

9 607.1622 Annual report for Department of State.--

10 (1) Each domestic corporation and each foreign
11 corporation authorized to transact business in this state
12 shall deliver to the Department of State for filing a sworn
13 annual report on such forms as the Department of State
14 prescribes that sets forth:

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

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

20 (c) The address of its principal office and the
21 mailing address of the corporation;

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

24 (e) The names and business street addresses of its
25 directors and principal officers;

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

28 (g) Whether the corporation has liability for
29 intangible taxes under s. 199.032. The Department of State
30 shall annually prepare a list of those corporations that have
31

1 indicated no intangible tax liability, and provide such list
2 to the Department of Revenue;

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

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

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

15 106.143 Political advertisements circulated prior to
16 election; requirements.--

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

20 106.144 Endorsements or opposition by certain groups
21 and organizations.--

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

26 Section 20. If any provision of this act or the
27 application thereof to any person or circumstance is held
28 invalid, the invalidity shall not affect other provisions or
29 applications of the act which can be given effect without the
30 invalid provision or application, and to this end the
31 provisions of this act are declared severable.

1 Section 21. This act shall take effect July 1, 2002,
2 if House Bill or similar legislation creating the Clean
3 Money Trust Fund is adopted in the same legislative session or
4 an extension thereof and becomes law.
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HOUSE 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.