

Bill No. CS for SB's 1842, 1124 & 498

Amendment No. Barcode 582286

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Lee moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 106.011, Florida Statutes, is amended to read:

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

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

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

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

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

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1 c. Makes expenditures that expressly advocate the
2 election or defeat of a candidate or the passage or defeat of
3 an issue; or

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

13 2. The sponsor of a proposed constitutional amendment
14 by initiative who intends to seek the signatures of registered
15 electors.

16 (b) Notwithstanding paragraph (a), the following
17 entities are not considered political committees for purposes
18 of this chapter:

19 1. Organizations which are certified by the Department
20 of State as committees of continuous existence pursuant to s.
21 106.04, national political parties, and the state and county
22 executive committees of political parties regulated by chapter
23 103 ~~shall not be considered political committees for the~~
24 ~~purposes of this chapter.~~

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

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1 are received by such corporations or business entities.

2 Section 2. Paragraph (b) of subsection (8) of section
3 106.07, Florida Statutes, is amended to read:

4 106.07 Reports; certification and filing.--

5 (8)

6 (b) Upon determining that a report is late, the filing
7 officer shall immediately notify the candidate or chair of the
8 political committee as to the failure to file a report by the
9 designated due date and that a fine is being assessed for each
10 late day. The fine shall be \$50 per day for the first 3 days
11 late and, thereafter, \$500 per day for each late day, not to
12 exceed 25 percent of the total receipts or expenditures,
13 whichever is greater, for the period covered by the late
14 report. However, for the reports immediately preceding each
15 primary and general election, the fine shall be \$500 per day
16 for each late day, not to exceed 25 percent of the total
17 receipts or expenditures, whichever if greater, for the period
18 covered by the late report. For reports required under s.
19 106.141(7), the fine is \$50 per day for each late day, not to
20 exceed 25 percent of the total receipts or expenditures,
21 whichever is greater, for the period covered by the late
22 report. Upon receipt of the report, the filing officer shall
23 determine the amount of the fine which is due and shall notify
24 the candidate or chair. The filing officer shall determine
25 the amount of the fine due based upon the earliest of the
26 following:

- 27 1. When the report is actually received by such
- 28 officer.
- 29 2. When the report is postmarked.
- 30 3. When the certificate of mailing is dated.
- 31 4. When the receipt from an established courier

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1 company is dated.

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

11 Section 3. Subsection (5) of section 106.08, Florida
12 Statutes, is reenacted and amended to read:

13 106.08 Contributions; limitations on.--

14 (5)(a) A person may not make any contribution through
15 or in the name of another, directly or indirectly, in any
16 election.

17 (b) Candidates, political committees, and political
18 parties may not solicit contributions from ~~or make~~
19 ~~contributions to~~ any religious, charitable, civic, or other
20 causes or organizations established primarily for the public
21 good.

22 (c) Candidates, political committees, and political
23 parties may not make contributions, in exchange for political
24 support, to any religious, charitable, civic, or other cause
25 or organization established primarily for the public good.

26 ~~However,~~ It is not a violation of this paragraph subsection
27 for:

28 1. A candidate, political committee, or political
29 party executive committee to make gifts of money in lieu of
30 flowers in memory of a deceased person; ~~or for~~

31 2. A candidate to continue membership in, or make

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1 regular donations from personal or business funds to,
2 religious, political party, civic, or charitable groups of
3 which the candidate is a member or to which the candidate has
4 been a regular donor for more than 6 months; or-

5 3. A candidate to ~~may~~ purchase, with campaign funds,
6 tickets, admission to events, or advertisements from
7 religious, civic, political party, or charitable groups.

8 Section 4. Section 106.11, Florida Statutes, is
9 amended to read:

10 106.11 Expenses of and expenditures by candidates and
11 political committees.--Each candidate and each political
12 committee which designates a primary campaign depository
13 pursuant to s. 106.021(1) shall make expenditures from funds
14 on deposit in such primary campaign depository only in the
15 following manner, with the exception of expenditures made from
16 petty cash funds provided by s. 106.12:

17 (1)(a) The campaign treasurer or deputy campaign
18 treasurer of a candidate or political committee shall make
19 expenditures from funds on deposit in the primary campaign
20 depository only by means of a bank check drawn upon the
21 campaign account of the candidate or political committee. The
22 campaign account shall be separate from any personal or other
23 account and shall be used only for the purpose of depositing
24 contributions and making expenditures for the candidate or
25 political committee.

26 (b) The checks for such account shall contain, as a
27 minimum, the following information:

28 1.(a) The statement "Campaign Account of ...(name of
29 candidate or political committee)...."

30 2.(b) The account number and the name of the bank.

31 3.(c) The exact amount of the expenditure.

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- 1 4.(d) The signature of the campaign treasurer or
2 deputy treasurer.
- 3 5.(e) The exact purpose for which the expenditure is
4 authorized.
- 5 6.(f) The name of the payee.
- 6 (2)(a) For purposes of this section, debit cards are
7 considered bank checks, if:
- 8 1. Debit cards are obtained from the same bank that
9 has been designated as the candidate's or political
10 committee's primary campaign depository.
- 11 2. Debit cards are issued in the name of the
12 treasurer, deputy treasurer, or authorized user and state
13 "Campaign Account of (name of candidate or political
14 committee)."
- 15 3. No more than three debit cards are requested and
16 issued.
- 17 4. Before a debit card is used, a list of all persons
18 authorized to use the card is filed with the division.
- 19 5. All debit cards issued to a candidate's campaign or
20 a political committee expire no later than midnight of the
21 last day of the month of the general election.
- 22 6. The person using the debit card does not receive
23 cash as part of, or independent of, any transaction for goods
24 or services.
- 25 7. All receipts for debit card transactions contain:
- 26 a. The last four digits of the debit card number.
- 27 b. The exact amount of the expenditure.
- 28 c. The name of the payee.
- 29 d. The signature of the campaign treasurer, deputy
30 treasurer, or authorized user.
- 31 e. The exact purpose for which the expenditure is

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1 authorized.

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3 Any information required by this subparagraph but not included
4 on the debit card transaction receipt may be handwritten on,
5 or attached to, the receipt by the authorized user before
6 submission to the treasurer.

7 (b) Debit cards are not subject to the requirements of
8 paragraph (1)(b).

9 (3)(2) The campaign treasurer, or deputy treasurer, or
10 authorized user who signs the check shall be responsible for
11 the completeness and accuracy of the information on such check
12 and for insuring that such expenditure is an authorized
13 expenditure.

14 (4)(3) No candidate, campaign manager, treasurer,
15 deputy treasurer, or political committee or any officer or
16 agent thereof, or any person acting on behalf of any of the
17 foregoing, shall authorize any expenses, nor shall any
18 campaign treasurer or deputy treasurer sign a check drawn on
19 the primary campaign account for any purpose, unless there are
20 sufficient funds on deposit in the primary depository account
21 of the candidate or political committee to pay the full amount
22 of the authorized expense, to honor all other checks drawn on
23 such account, which checks are outstanding, and to meet all
24 expenses previously authorized but not yet paid. However, an
25 expense may be incurred for the purchase of goods or services
26 if there are sufficient funds on deposit in the primary
27 depository account to pay the full amount of the incurred
28 expense, to honor all checks drawn on such account, which
29 checks are outstanding, and to meet all other expenses
30 previously authorized but not yet paid, provided that payment
31 for such goods or services is made upon final delivery and

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1 acceptance of the goods or services; and an expenditure from
2 petty cash pursuant to the provisions of s. 106.12 may be
3 authorized, if there is a sufficient amount of money in the
4 petty cash fund to pay for such expenditure. Payment for
5 credit card purchases shall be made pursuant to s. 106.125.
6 Any expense incurred or authorized in excess of such funds on
7 deposit shall, in addition to other penalties provided by law,
8 constitute a violation of this chapter.

9 (5)~~(4)~~ A candidate who withdraws his or her candidacy,
10 becomes an unopposed candidate, or is eliminated as a
11 candidate or elected to office may expend funds from the
12 campaign account to:

13 (a) Purchase "thank you" advertising for up to 75 days
14 after he or she withdraws, becomes unopposed, or is eliminated
15 or elected.

16 (b) Pay for items which were obligated before he or
17 she withdrew, became unopposed, or was eliminated or elected.

18 (c) Pay for expenditures necessary to close down the
19 campaign office and to prepare final campaign reports.

20 (d) Dispose of surplus funds as provided in s.
21 106.141.

22 Section 5. Subsection (3) of section 106.12, Florida
23 Statutes, is amended to read:

24 106.12 Petty cash funds allowed.--

25 (3) The petty cash fund so provided shall be spent
26 only in amounts less than ~~\$100~~\$30 and only for office
27 supplies, transportation expenses, and other necessities.
28 Petty cash shall not be used for the purchase of time, space,
29 or services from communications media as defined in s.
30 106.011(13).

31 Section 6. Subsections (5) and (7) of section 106.141,

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1 Florida Statutes, are amended to read:

2 106.141 Disposition of surplus funds by candidates.--

3 (5) A candidate elected to office or a candidate who
 4 will be elected to office by virtue of his or her being
 5 unopposed may, in addition to the disposition methods provided
 6 in subsection (4), transfer from the campaign account to an
 7 office account any amount of the funds on deposit in such
 8 campaign account up to:

9 (a) Twenty ~~Ten~~ thousand dollars, for a candidate for
 10 statewide office. The Governor and Lieutenant Governor shall
 11 be considered separate candidates for the purpose of this
 12 section.

13 (b) Five thousand dollars, for a candidate for
 14 multicounty office.

15 (c) Five ~~Two~~ thousand ~~five hundred~~ dollars multiplied
 16 by the number of years in the term of office for which
 17 elected, for a candidate for legislative office.

18 (d) Two ~~One~~ thousand five hundred dollars multiplied
 19 by the number of years in the term of office for which
 20 elected, for a candidate for county office or for a candidate
 21 in any election conducted on less than a countywide basis.

22 (e) Six thousand dollars, for a candidate for
 23 retention as a justice of the Supreme Court.

24 (f) Three thousand dollars, for a candidate for
 25 retention as a judge of a district court of appeal.

26 (g) One thousand five hundred dollars, for a candidate
 27 for county court judge or circuit judge.

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29 The office account established pursuant to this subsection
 30 shall be separate from any personal or other account. Any
 31 funds so transferred by a candidate shall be used only for

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1 legitimate expenses in connection with the candidate's public
2 office. Such expenses may include travel expenses incurred by
3 the officer or a staff member, personal taxes payable on
4 office account funds by the candidate or elected public
5 official, or expenses incurred in the operation of his or her
6 office, including the employment of additional staff. The
7 funds may be deposited in a savings account; however, all
8 deposits, withdrawals, and interest earned thereon shall be
9 reported at the appropriate reporting period. If a candidate
10 is reelected to office or elected to another office and has
11 funds remaining in his or her office account, he or she may
12 transfer surplus campaign funds to the office account. At no
13 time may the funds in the office account exceed the limitation
14 imposed by this subsection. Upon leaving public office, any
15 person who has funds in an office account pursuant to this
16 subsection remaining on deposit shall give such funds to a
17 charitable organization or organizations which meet the
18 requirements of s. 501(c)(3) of the Internal Revenue Code or,
19 in the case of a state officer, to the state to be deposited
20 in the General Revenue Fund or, in the case of an officer of a
21 political subdivision, to the political subdivision to be
22 deposited in the general fund thereof.

23 (7)(a) Any candidate required to dispose of campaign
24 funds pursuant to this section shall do so within the time
25 required by this section and shall, on or before the date by
26 which such disposition is to have been made, file with the
27 officer with whom reports are required to be filed pursuant to
28 s. 106.07 a form prescribed by the Division of Elections
29 listing:

30 1.~~(a)~~ The name and address of each person or unit of
31 government to whom any of the funds were distributed and the

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1 amounts thereof;

2 2.(b) The name and address of each person to whom an
 3 expenditure was made, together with the amount thereof and
 4 purpose therefor; and

5 3.(e) The amount of such funds transferred to an
 6 office account by the candidate, together with the name and
 7 address of the bank in which the office account is located.

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 9 Such report shall be signed by the candidate and the campaign
 10 treasurer and certified as true and correct pursuant to s.
 11 106.07.

12 (b) The filing officer shall notify each candidate at
 13 least 14 days before the date the report is due.

14 (c) Any candidate failing to file a report on the
 15 designated due date shall be subject to a fine as provided in
 16 s. 106.07 for submitting late termination reports.

17 Section 7. Subsection (3) of section 106.15, Florida
 18 Statutes, is amended to read:

19 106.15 Certain acts prohibited.--

20 (3) A ~~No~~ candidate may not shall, in the furtherance
 21 of his or her candidacy for nomination or election to public
 22 office in any election, use the services of any state, county,
 23 municipal, or district officer or employee ~~of the state~~ during
 24 working hours.

25 Section 8. Subsection (1) of section 106.19, Florida
 26 Statutes, is amended to read:

27 106.19 Violations by candidates, persons connected
 28 with campaigns, and political committees.--

29 (1) Any candidate; campaign manager, campaign
 30 treasurer, or deputy treasurer of any candidate; committee
 31 chair, vice chair, campaign treasurer, deputy treasurer, or

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1 other officer of any political committee; agent or person
2 acting on behalf of any candidate or political committee; or
3 other person who knowingly and willfully:

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

6 (b) Fails to report any contribution required to be
7 reported by this chapter;

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

10 (d) Makes or authorizes any expenditure in violation
11 of s. 106.11(4)~~s. 106.11(3)~~ or any other expenditure
12 prohibited by this chapter;

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

16 Section 9. If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 invalidity does not affect other provisions or applications of
19 the act which can be given effect without the invalid
20 provision or application, and to this end the provisions of
21 this act are severable.

22 Section 10. This act shall take effect July 1, 2002.

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

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29 and insert:

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A bill to be entitled

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An act relating to elections; amending s.

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1 106.011, F.S.; redefining the term "political
2 committee"; amending s. 106.07, F.S.; changing
3 the fine for certain late-filed reports;
4 amending s. 106.08, F.S.; clarifying
5 requirements for soliciting and accepting
6 charitable contributions; reenacting a
7 prohibition against indirect campaign
8 contributions; amending s. 106.11, F.S.;
9 authorizing the use of debit cards for
10 campaigns; providing requirements; amending s.
11 106.12, F.S.; increasing the amount for petty
12 cash expenditures; amending s. 106.141, F.S.;
13 requiring the filing officer to notify
14 candidates before the date the final report is
15 due; increasing the amount of surplus funds
16 that certain successful candidates may
17 contribute to an office account; amending s.
18 106.15, F.S.; expanding the prohibition on the
19 use of state employees for campaign purposes
20 during working hours to county, municipal, and
21 district employees; amending s. 106.19, F.S.;
22 conforming a statutory cross-reference;
23 providing for severability; providing an
24 effective date.

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