

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

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Subsection (1) of section 106.011, Florida
31 Statutes, is amended to read:

1 106.011 Definitions.--As used in this chapter, the
2 following terms have the following meanings unless the context
3 clearly indicates otherwise:

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

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

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

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

14 c. Makes expenditures that expressly advocate the
15 election or defeat of a candidate or the passage or defeat of
16 an issue; or

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

26 2. The sponsor of a proposed constitutional amendment
27 by initiative who intends to seek the signatures of registered
28 electors.

29 (b) Notwithstanding paragraph (a), the following
30 entities are not considered political committees for purposes
31 of this chapter:

1 1. Organizations which are certified by the Department
2 of State as committees of continuous existence pursuant to s.
3 106.04, national political parties, and the state and county
4 executive committees of political parties regulated by chapter
5 103 ~~shall not be considered political committees for the~~
6 ~~purposes of this chapter.~~

7 2. Corporations regulated by chapter 607 or chapter
8 617 or other business entities formed for purposes other than
9 to support or oppose issues or candidates, ~~are not political~~
10 ~~committees~~ if their political activities are limited to
11 contributions to candidates, political parties, or political
12 committees or expenditures in support of or opposition to an
13 issue from corporate or business funds and if no contributions
14 are received by such corporations or business entities.

15 Section 2. Paragraph (b) of subsection (8) of section
16 106.07, Florida Statutes, is amended to read:

17 106.07 Reports; certification and filing.--

18 (8)

19 (b) Upon determining that a report is late, the filing
20 officer shall immediately notify the candidate or chair of the
21 political committee as to the failure to file a report by the
22 designated due date and that a fine is being assessed for each
23 late day. The fine shall be \$50 per day for the first 3 days
24 late and, thereafter, \$500 per day for each late day, not to
25 exceed 25 percent of the total receipts or expenditures,
26 whichever is greater, for the period covered by the late
27 report. However, for the reports immediately preceding each
28 primary and general election, the fine shall be \$500 per day
29 for each late day, not to exceed 25 percent of the total
30 receipts or expenditures, whichever if greater, for the period
31 covered by the late report. For reports required under s.

1 106.141(7), the fine is \$50 per day for each late day, not to
2 exceed 25 percent of the total receipts or expenditures,
3 whichever is greater, for the period covered by the late
4 report. Upon receipt of the report, the filing officer shall
5 determine the amount of the fine which is due and shall notify
6 the candidate or chair. The filing officer shall determine
7 the amount of the fine due based upon the earliest of the
8 following:

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

15
16 Such fine shall be paid to the filing officer within 20 days
17 after receipt of the notice of payment due, unless appeal is
18 made to the Florida Elections Commission pursuant to paragraph
19 (c). In the case of a candidate, such fine shall not be an
20 allowable campaign expenditure and shall be paid only from
21 personal funds of the candidate. An officer or member of a
22 political committee shall not be personally liable for such
23 fine.

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

26 106.08 Contributions; limitations on.--

27 (5)(a) A person may not make any contribution through
28 or in the name of another, directly or indirectly, in any
29 election.

30 (b) Candidates, political committees, and political
31 parties may not solicit contributions from ~~or make~~

1 ~~contributions to~~ any religious, charitable, civic, or other
2 causes or organizations established primarily for the public
3 good.

4 (c) Candidates, political committees, and political
5 parties may not make contributions, in exchange for political
6 support, to any religious, charitable, civic, or other cause
7 or organization established primarily for the public good.
8 ~~However,~~ It is not a violation of this paragraph subsection
9 for:

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

13 2. A candidate to continue membership in, or make
14 regular donations from personal or business funds to,
15 religious, political party, civic, or charitable groups of
16 which the candidate is a member or to which the candidate has
17 been a regular donor for more than 6 months; ~~or-~~

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

21 Section 4. Section 106.11, Florida Statutes, is
22 amended to read:

23 106.11 Expenses of and expenditures by candidates and
24 political committees.--Each candidate and each political
25 committee which designates a primary campaign depository
26 pursuant to s. 106.021(1) shall make expenditures from funds
27 on deposit in such primary campaign depository only in the
28 following manner, with the exception of expenditures made from
29 petty cash funds provided by s. 106.12:

30 (1)(a) The campaign treasurer or deputy campaign
31 treasurer of a candidate or political committee shall make

1 expenditures from funds on deposit in the primary campaign
2 depository only by means of a bank check drawn upon the
3 campaign account of the candidate or political committee. The
4 campaign account shall be separate from any personal or other
5 account and shall be used only for the purpose of depositing
6 contributions and making expenditures for the candidate or
7 political committee.

8 **(b)** The checks for such account shall contain, as a
9 minimum, the following information:

10 **1.(a)** The statement "Campaign Account of ...(name of
11 candidate or political committee)...."

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

13 **3.(c)** The exact amount of the expenditure.

14 **4.(d)** The signature of the campaign treasurer or
15 deputy treasurer.

16 **5.(e)** The exact purpose for which the expenditure is
17 authorized.

18 **6.(f)** The name of the payee.

19 **(2)(a)** For purposes of this section, debit cards are
20 considered bank checks, if:

21 **1.** Debit cards are obtained from the same bank that
22 has been designated as the candidate's or political
23 committee's primary campaign depository.

24 **2.** Debit cards are issued in the name of the
25 treasurer, deputy treasurer, or authorized user and state

26 "Campaign Account of (name of candidate or political
27 committee)."

28 **3.** No more than three debit cards are requested and
29 issued.

30 **4.** Before a debit card is used, a list of all persons
31 authorized to use the card is filed with the division.

1 5. All debit cards issued to a candidate's campaign or
2 a political committee expire no later than midnight of the
3 last day of the month of the general election.

4 6. The person using the debit card does not receive
5 cash as part of, or independent of, any transaction for goods
6 or services.

7 7. All receipts for debit card transactions contain:

8 a. The last four digits of the debit card number.

9 b. The exact amount of the expenditure.

10 c. The name of the payee.

11 d. The signature of the campaign treasurer, deputy
12 treasurer, or authorized user.

13 e. The exact purpose for which the expenditure is
14 authorized.

15
16 Any information required by this subparagraph but not included
17 on the debit card transaction receipt may be handwritten on,
18 or attached to, the receipt by the authorized user before
19 submission to the treasurer.

20 (b) Debit cards are not subject to the requirements of
21 paragraph (1)(b).

22 (3)(2) The campaign treasurer, ~~or~~ deputy treasurer, or
23 authorized user who signs the check shall be responsible for
24 the completeness and accuracy of the information on such check
25 and for insuring that such expenditure is an authorized
26 expenditure.

27 (4)(3) No candidate, campaign manager, treasurer,
28 deputy treasurer, or political committee or any officer or
29 agent thereof, or any person acting on behalf of any of the
30 foregoing, shall authorize any expenses, nor shall any
31 campaign treasurer or deputy treasurer sign a check drawn on

1 the primary campaign account for any purpose, unless there are
2 sufficient funds on deposit in the primary depository account
3 of the candidate or political committee to pay the full amount
4 of the authorized expense, to honor all other checks drawn on
5 such account, which checks are outstanding, and to meet all
6 expenses previously authorized but not yet paid. However, an
7 expense may be incurred for the purchase of goods or services
8 if there are sufficient funds on deposit in the primary
9 depository account to pay the full amount of the incurred
10 expense, to honor all checks drawn on such account, which
11 checks are outstanding, and to meet all other expenses
12 previously authorized but not yet paid, provided that payment
13 for such goods or services is made upon final delivery and
14 acceptance of the goods or services; and an expenditure from
15 petty cash pursuant to the provisions of s. 106.12 may be
16 authorized, if there is a sufficient amount of money in the
17 petty cash fund to pay for such expenditure. Payment for
18 credit card purchases shall be made pursuant to s. 106.125.
19 Any expense incurred or authorized in excess of such funds on
20 deposit shall, in addition to other penalties provided by law,
21 constitute a violation of this chapter.

22 (5)~~(4)~~ A candidate who withdraws his or her candidacy,
23 becomes an unopposed candidate, or is eliminated as a
24 candidate or elected to office may expend funds from the
25 campaign account to:

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

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

31

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

3 (d) Dispose of surplus funds as provided in s.
4 106.141.

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

7 106.12 Petty cash funds allowed.--

8 (3) The petty cash fund so provided shall be spent
9 only in amounts less than ~~\$100~~^{\$30} and only for office
10 supplies, transportation expenses, and other necessities.
11 Petty cash shall not be used for the purchase of time, space,
12 or services from communications media as defined in s.
13 106.011(13).

14 Section 6. Subsections (5) and (7) of section 106.141,
15 Florida Statutes, are amended to read:

16 106.141 Disposition of surplus funds by candidates.--

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

23 (a) Twenty ~~Ten~~ thousand dollars, for a candidate for
24 statewide office. The Governor and Lieutenant Governor shall
25 be considered separate candidates for the purpose of this
26 section.

27 (b) Five thousand dollars, for a candidate for
28 multicounty office.

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

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

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

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

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

11

12 The office account established pursuant to this subsection
13 shall be separate from any personal or other account. Any
14 funds so transferred by a candidate shall be used only for
15 legitimate expenses in connection with the candidate's public
16 office. Such expenses may include travel expenses incurred by
17 the officer or a staff member, personal taxes payable on
18 office account funds by the candidate or elected public
19 official, or expenses incurred in the operation of his or her
20 office, including the employment of additional staff. The
21 funds may be deposited in a savings account; however, all
22 deposits, withdrawals, and interest earned thereon shall be
23 reported at the appropriate reporting period. If a candidate
24 is reelected to office or elected to another office and has
25 funds remaining in his or her office account, he or she may
26 transfer surplus campaign funds to the office account. At no
27 time may the funds in the office account exceed the limitation
28 imposed by this subsection. Upon leaving public office, any
29 person who has funds in an office account pursuant to this
30 subsection remaining on deposit shall give such funds to a
31 charitable organization or organizations which meet the

1 requirements of s. 501(c)(3) of the Internal Revenue Code or,
2 in the case of a state officer, to the state to be deposited
3 in the General Revenue Fund or, in the case of an officer of a
4 political subdivision, to the political subdivision to be
5 deposited in the general fund thereof.

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

13 1.(a) The name and address of each person or unit of
14 government to whom any of the funds were distributed and the
15 amounts thereof;

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

19 3.(c) The amount of such funds transferred to an
20 office account by the candidate, together with the name and
21 address of the bank in which the office account is located.

22
23 Such report shall be signed by the candidate and the campaign
24 treasurer and certified as true and correct pursuant to s.
25 106.07.

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

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

31

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

3 106.15 Certain acts prohibited.--

4 (3) A ~~No~~ candidate may not ~~shall~~, in the furtherance
5 of his or her candidacy for nomination or election to public
6 office in any election, use the services of any state, county,
7 municipal, or district officer or employee ~~of the state~~ during
8 working hours.

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

11 106.19 Violations by candidates, persons connected
12 with campaigns, and political committees.--

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

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

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

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

25 (d) Makes or authorizes any expenditure in violation
26 of s. 106.11(4)~~s. 106.11(3)~~ or any other expenditure
27 prohibited by this chapter;

28
29 is guilty of a misdemeanor of the first degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31

1 Section 9. If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 invalidity does not affect other provisions or applications of
4 the act which can be given effect without the invalid
5 provision or application, and to this end the provisions of
6 this act are severable.

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