

Bill No. CS for SB 1500

Amendment No. \_\_\_\_ Barcode 420276

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Lee moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	On page 50, line 20, to page 80, line 20, delete those		
15	lines		
16			
17	and insert:		
18	Section 25. Effective upon this act becoming a law,		
19	section 99.103, Florida Statutes, is amended to read:		
20	99.103 Department of State to remit part of filing		
21	fees and party assessments of candidates to state executive		
22	committee <u>and leadership funds</u> .--		
23	(1) <u>Except as provided in subsection (2)</u> , if more than		
24	three-fourths of the full authorized membership of the state		
25	executive committee of any party was elected at the last		
26	previous election for such members and if such party is		
27	declared by the Department of State to have recorded on the		
28	registration books of the counties, as of the first Tuesday		
29	after the first Monday in January prior to the first primary		
30	in general election years, 5 percent of the total registration		
31	of such counties when added together, such committee shall		

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1 receive, for the purpose of meeting its expenses, all filing  
2 fees collected by the Department of State from its candidates  
3 less an amount equal to 15 percent of the filing fees, which  
4 amount the Department of State shall deposit in the General  
5 Revenue Fund of the state.

6 (2) For state legislative candidates, the leadership  
7 fund of the political party of the house to which the  
8 candidate seeks office, provided such leadership fund exists,  
9 shall receive all filing fees collected by the Department of  
10 State from such candidates less an amount equal to 15 percent  
11 of the filing fees, which amount the Department of State shall  
12 deposit in the General Revenue Fund of the state.

13 (3)(2) Not later than 20 days after the close of  
14 qualifying in even-numbered years, the Department of State  
15 shall remit 95 percent of all filing fees, less the amount  
16 deposited in general revenue pursuant to subsection (1), or  
17 party assessments that may have been collected by the  
18 department to the respective state executive committees of the  
19 parties complying with subsection (1) or leadership fund as  
20 provided in subsection (2). Party assessments collected by  
21 the Department of State shall be remitted to the appropriate  
22 leadership fund or state executive committee, irrespective of  
23 other requirements of this section, provided such committee is  
24 duly organized under the provisions of chapter 103. The  
25 remainder of filing fees or party assessments collected by the  
26 Department of State shall be remitted to the appropriate  
27 leadership fund or state executive committees not later than  
28 the date of the first primary.

29 Section 26. Effective upon becoming a law, subsection  
30 (1) of section 99.092, Florida Statutes, is amended to read:

31 99.092 Qualifying fee of candidate; notification of

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1 Department of State.--

2 (1) Each person seeking to qualify for nomination or  
3 election to any office, except a person seeking to qualify by  
4 the alternative method pursuant to s. 99.095, s. 99.0955, or  
5 s. 99.096 and except a person seeking to qualify as a write-in  
6 candidate, shall pay a qualifying fee, which shall consist of  
7 a filing fee and election assessment, to the officer with whom  
8 the person qualifies, and any party assessment levied, and  
9 shall attach the original or signed duplicate of the receipt  
10 for his or her party assessment or pay the same, in accordance  
11 with the provisions of s. 103.121, at the time of filing his  
12 or her other qualifying papers. The amount of the filing fee  
13 is 3 percent of the annual salary of the office. The amount  
14 of the election assessment is 1 percent of the annual salary  
15 of the office sought. The election assessment shall be  
16 deposited into the Elections Commission Trust Fund. The  
17 amount of the party assessment is 2 percent of the annual  
18 salary. The annual salary of the office for purposes of  
19 computing the filing fee, election assessment, and party  
20 assessment shall be computed by multiplying 12 times the  
21 monthly salary, excluding any special qualification pay,  
22 authorized for such office as of July 1 immediately preceding  
23 the first day of qualifying. No qualifying fee shall be  
24 returned to the candidate unless the candidate withdraws his  
25 or her candidacy before the last date to qualify. If a  
26 candidate dies prior to an election and has not withdrawn his  
27 or her candidacy before the last date to qualify, the  
28 candidate's qualifying fee shall be returned to his or her  
29 designated beneficiary, and, if the filing fee or any portion  
30 thereof has been transferred to the political party of the  
31 candidate or any leadership fund thereof, the Secretary of

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1 State shall direct the party or leadership fund to return that  
2 portion to the designated beneficiary of the candidate.

3 (2) The supervisor of elections shall, immediately  
4 after the last day for qualifying, submit to the Department of  
5 State a list containing the names, party affiliations, and  
6 addresses of all candidates and the offices for which they  
7 qualified.

8 Section 27. Effective upon this act becoming a law,  
9 subsections (1), (5), and (8) of section 106.011, Florida  
10 Statutes, are amended to read:

11 106.011 Definitions.--As used in this chapter, the  
12 following terms have the following meanings unless the context  
13 clearly indicates otherwise:

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

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

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

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

24 c. Makes expenditures that expressly advocate the  
25 election or defeat of a candidate or the passage or defeat of  
26 an issue; or

27 d. Makes contributions to a common fund, other than a  
28 joint checking account between spouses, from which  
29 contributions are made to any candidate, political committee,  
30 committee of continuous existence, leadership fund, or  
31 political party.

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1           2. The sponsor of a proposed constitutional amendment  
2 by initiative who intends to seek the signatures of registered  
3 electors.

4           (b) Notwithstanding paragraph (a), the following  
5 entities are not considered political committees for purposes  
6 of this chapter:

7           1. Organizations which are certified by the Department  
8 of State as committees of continuous existence pursuant to s.  
9 106.04, leadership funds, national political parties, and the  
10 state and county executive committees of political parties  
11 regulated by chapter 103.

12           2. Corporations regulated by chapter 607 or chapter  
13 617 or other business entities formed for purposes other than  
14 to support or oppose issues or candidates, if their political  
15 activities are limited to contributions to candidates,  
16 political parties, leadership funds, or political committees  
17 or expenditures in support of or opposition to an issue from  
18 corporate or business funds and if no contributions are  
19 received by such corporations or business entities.

20           (5)(a) "Independent expenditure" means an expenditure  
21 by a person for the purpose of advocating the election or  
22 defeat of a candidate or the approval or rejection of an  
23 issue, which expenditure is not controlled by, coordinated  
24 with, or made upon consultation with, any candidate, political  
25 committee, or agent of such candidate or committee. An  
26 expenditure for such purpose by a person having a contract  
27 with the candidate, political committee, or agent of such  
28 candidate or committee in a given election period shall not be  
29 deemed an independent expenditure.

30           (b) An expenditure for the purpose of advocating the  
31 election or defeat of a candidate which is made by the

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1 national, state, or county executive committee of a political  
 2 party, including any subordinate committee of a national,  
 3 state, or county committee of a political party, by a  
 4 leadership fund, or by any political committee or committee of  
 5 continuous existence, or any other person, shall not be  
 6 considered an independent expenditure if the committee or  
 7 person:

8           1. Communicates with the candidate, the candidate's  
 9 campaign, or an agent of the candidate acting on behalf of the  
 10 candidate, including any pollster, media consultant,  
 11 advertising agency, vendor, advisor, or staff member,  
 12 concerning the preparation of, use of, or payment for, the  
 13 specific expenditure or advertising campaign at issue; or

14           2. Makes a payment in cooperation, consultation, or  
 15 concert with, at the request or suggestion of, or pursuant to  
 16 any general or particular understanding with the candidate,  
 17 the candidate's campaign, a political committee supporting the  
 18 candidate, or an agent of the candidate relating to the  
 19 specific expenditure or advertising campaign at issue; or

20           3. Makes a payment for the dissemination,  
 21 distribution, or republication, in whole or in part, of any  
 22 broadcast or any written, graphic, or other form of campaign  
 23 material prepared by the candidate, the candidate's campaign,  
 24 or an agent of the candidate, including any pollster, media  
 25 consultant, advertising agency, vendor, advisor, or staff  
 26 member; or

27           4. Makes a payment based on information about the  
 28 candidate's plans, projects, or needs communicated to a member  
 29 of the committee or person by the candidate or an agent of the  
 30 candidate, provided the committee or person uses the  
 31 information in any way, in whole or in part, either directly

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1 or indirectly, to design, prepare, or pay for the specific  
2 expenditure or advertising campaign at issue; or

3           5. After the last day of qualifying for statewide or  
4 legislative office, consults about the candidate's plans,  
5 projects, or needs in connection with the candidate's pursuit  
6 of election to office and the information is used in any way  
7 to plan, create, design, or prepare an independent expenditure  
8 or advertising campaign, with:

9           a. Any officer, director, employee, or agent of a  
10 leadership fund, including a leader, or a national, state, or  
11 county executive committee of a political party that has made  
12 or intends to make expenditures in connection with or  
13 contributions to the candidate; or

14           b. Any person whose professional services have been  
15 retained by a leadership fund or a national, state, or county  
16 executive committee of a political party that has made or  
17 intends to make expenditures in connection with or  
18 contributions to the candidate; or

19           6. After the last day of qualifying for statewide or  
20 legislative office, retains the professional services of any  
21 person also providing those services to the candidate in  
22 connection with the candidate's pursuit of election to office;  
23 or

24           7. Arranges, coordinates, or directs the expenditure,  
25 in any way, with the candidate or an agent of the candidate.

26           (8) "Person" means an individual or a corporation,  
27 association, firm, partnership, joint venture, joint stock  
28 company, club, organization, estate, trust, business trust,  
29 syndicate, or other combination of individuals having  
30 collective capacity. The term includes a leadership fund,  
31 political party, political committee, or committee of

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1 continuous existence.

2 Section 28. Effective upon this act becoming a law,  
3 subsection (3) of section 106.021, Florida Statutes, is  
4 amended to read:

5 106.021 Campaign treasurers; deputies; primary and  
6 secondary depositories.--

7 (3) Except for independent expenditures, no  
8 contribution or expenditure, including contributions or  
9 expenditures of a candidate or of the candidate's family,  
10 shall be directly or indirectly made or received in  
11 furtherance of the candidacy of any person for nomination or  
12 election to political office in the state or on behalf of any  
13 political committee except through the duly appointed campaign  
14 treasurer of the candidate or political committee; however, a  
15 candidate or any other individual may be reimbursed for  
16 expenses incurred for travel, food and beverage, office  
17 supplies, and mementos expressing gratitude to campaign  
18 supporters by a check drawn upon the campaign account and  
19 reported pursuant to s. 106.07(4). In addition, expenditures  
20 may be made directly by any political committee, leadership  
21 fund, or political party regulated by chapter 103 for  
22 obtaining time, space, or services in or by any communications  
23 medium for the purpose of jointly endorsing three or more  
24 candidates, and any such expenditure shall not be considered a  
25 contribution or expenditure to or on behalf of any such  
26 candidates for the purposes of this chapter.

27 Section 29. Effective upon this act becoming a law,  
28 section 106.025, Florida Statutes, is amended to read:

29 106.025 Campaign fund raisers.--

30 (1)(a) No campaign fund raiser may be held unless the  
31 person for whom such funds are to be so used is a candidate



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1 for public office.

2 (b) All money and contributions received with respect  
3 to such a campaign fund raiser shall be deemed to be campaign  
4 contributions, and shall be accounted for, and subject to the  
5 same restrictions, as other campaign contributions. All  
6 expenditures made with respect to such a campaign fund raiser  
7 which are made or reimbursed by a check drawn on the campaign  
8 depository of the candidate for whom the funds are to be used  
9 and shall be deemed to be campaign expenditures to be  
10 accounted for, and subject to the same restrictions, as other  
11 campaign expenditures.

12 (c) Any tickets or advertising for such a campaign  
13 fund raiser shall contain the following statement: "The  
14 purchase of a ticket for, or a contribution to, the campaign  
15 fund raiser is a contribution to the campaign of ...(name of  
16 the candidate for whose benefit the campaign fund raiser is  
17 held)...." Such tickets or advertising shall also comply with  
18 other provisions of this chapter relating to political  
19 advertising.

20 (d) Any person or candidate who holds a campaign fund  
21 raiser, or consents to a campaign fund raiser being held, in  
22 violation of the provisions of this subsection is guilty of a  
23 misdemeanor of the first degree, punishable as provided in s.  
24 775.082 or s. 775.083.

25 (2) This section shall not apply to any campaign fund  
26 raiser held on behalf of a leadership fund by the leader or on  
27 behalf of a political party by the state or county executive  
28 committee of such party, provided that the proceeds of such  
29 campaign fund raiser are reported pursuant to s. 106.29.

30 Section 30. Effective upon this act becoming a law,  
31 subsections (1) and (4) of section 106.04, Florida Statutes,

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1 are amended to read:

2           106.04 Committees of continuous existence.--

3           (1) In order to qualify as a committee of continuous  
4 existence for the purposes of this chapter, a group,  
5 organization, association, or other such entity ~~that~~ which is  
6 involved in making contributions to candidates, political  
7 committees, leadership funds, or political parties, shall meet  
8 the following criteria:

9           (a) It shall be organized and operated in accordance  
10 with a written charter or set of bylaws which contains  
11 procedures for the election of officers and directors and  
12 which clearly defines membership in the organization; and

13           (b) At least 25 percent of the income of such  
14 organization, excluding interest, must be derived from dues or  
15 assessments payable on a regular basis by its membership  
16 pursuant to provisions contained in the charter or bylaws.

17           (4)(a) Each committee of continuous existence shall  
18 file an annual report with the Division of Elections during  
19 the month of January. Such annual reports shall contain the  
20 same information and shall be accompanied by the same  
21 materials as original applications filed pursuant to  
22 subsection (2). However, the charter or bylaws need not be  
23 filed if the annual report is accompanied by a sworn statement  
24 by the chair that no changes have been made to such charter or  
25 bylaws since the last filing.

26           (b)1. Each committee of continuous existence shall  
27 file regular reports with the Division of Elections at the  
28 same times and subject to the same filing conditions as are  
29 established by s. 106.07(1) and (2) for candidates' reports.

30           2. Any committee of continuous existence failing to so  
31 file a report with the Division of Elections pursuant to this

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1 paragraph on the designated due date shall be subject to a  
2 fine for late filing as provided by this section.

3 (c) All committees of continuous existence shall file  
4 the original and one copy of their reports with the Division  
5 of Elections. In addition, a duplicate copy of each report  
6 shall be filed with the supervisor of elections in the county  
7 in which the committee maintains its books and records, except  
8 that if the filing officer to whom the committee is required  
9 to report is located in the same county as the supervisor no  
10 such duplicate report is required to be filed with the  
11 supervisor. Reports shall be on forms provided by the  
12 division and shall contain the following information:

13 1. The full name, address, and occupation of each  
14 person who has made one or more contributions to the committee  
15 during the reporting period, together with the amounts and  
16 dates of such contributions. For corporations, the report  
17 must provide as clear a description as practicable of the  
18 principal type of business conducted by the corporation.  
19 However, if the contribution is \$100 or less, the occupation  
20 of the contributor or principal type of business need not be  
21 listed. However, for any contributions which represent the  
22 payment of dues by members in a fixed amount pursuant to the  
23 schedule on file with the Division of Elections, only the  
24 aggregate amount of such contributions need be listed,  
25 together with the number of members paying such dues and the  
26 amount of the membership dues.

27 2. The name and address of each political committee or  
28 committee of continuous existence from which the reporting  
29 committee received, or the name and address of each political  
30 committee, committee of continuous existence, leadership fund,  
31 or political party to which it made, any transfer of funds,

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1 together with the amounts and dates of all transfers.

2           3. Any other receipt of funds not listed pursuant to  
3 subparagraph 1. or subparagraph 2., including the sources and  
4 amounts of all such funds.

5           4. The name and address of, and office sought by, each  
6 candidate to whom the committee has made a contribution during  
7 the reporting period, together with the amount and date of  
8 each contribution.

9           (d) The treasurer of each committee shall certify as  
10 to the correctness of each report and shall bear the  
11 responsibility for its accuracy and veracity. Any treasurer  
12 who willfully certifies to the correctness of a report while  
13 knowing that such report is incorrect, false, or incomplete  
14 commits a misdemeanor of the first degree, punishable as  
15 provided in s. 775.082 or s. 775.083.

16           Section 31. Effective upon this act becoming a law,  
17 section 106.08, Florida Statutes, is amended to read:

18           106.08 Contributions; limitations on.--

19           (1)(a) Except for political parties, no person,  
20 political committee, or committee of continuous existence may,  
21 in any election, make contributions in excess of \$500 to any  
22 candidate for election to or retention in office or to any  
23 political committee supporting or opposing one or more  
24 candidates. Candidates for the offices of Governor and  
25 Lieutenant Governor on the same ticket are considered a single  
26 candidate for the purpose of this section.

27           (b)1. The contribution limits provided in this  
28 subsection do not apply to contributions made by a state or  
29 county executive committee of a political party regulated by  
30 chapter 103, contributions made by leadership funds, or to  
31 amounts contributed by a candidate to his or her own campaign.

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

6           (c) The contribution limits of this subsection apply  
7 to each election. For purposes of this subsection, the first  
8 primary, second primary, and general election are separate  
9 elections so long as the candidate is not an unopposed  
10 candidate as defined in s. 106.011(15). However, for the  
11 purpose of contribution limits with respect to candidates for  
12 retention as a justice or judge, there is only one election,  
13 which is the general election. With respect to candidates in a  
14 circuit holding an election for circuit judge or in a county  
15 holding an election for county court judge, there are only two  
16 elections, which are the first primary election and general  
17 election.

18           (2)(a) A candidate may not accept contributions from  
19 national, state, ~~or including any subordinate committee of a~~  
20 ~~national, state, or county committee of a political party, and~~  
21 county executive committees of a political party, including  
22 any subordinate committee of a national, state, or county  
23 committee of a political party, or from leadership funds  
24 pursuant to s. 106.295, which contributions in the aggregate  
25 exceed \$50,000, no more than \$25,000 of which may be accepted  
26 prior to the 28-day period immediately preceding the date of  
27 the general election.

28           (b) Polling services, research services, costs for  
29 campaign staff, professional consulting services, and  
30 telephone calls are not contributions to be counted toward the  
31 contribution limits of paragraph (a). Any item not expressly

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1 identified in this paragraph as nonallocable is a contribution  
2 in an amount equal to the fair market value of the item and  
3 must be counted as allocable toward the \$50,000 contribution  
4 limits of paragraph (a). Nonallocable, in-kind contributions  
5 must be reported by the candidate under s. 106.07 and by the  
6 political party and leadership fund under s. 106.29.

7           (3)(a) Any contribution received by a candidate with  
8 opposition in an election or by the campaign treasurer or a  
9 deputy campaign treasurer of such a candidate on the day of  
10 that election or less than 5 days prior to the day of that  
11 election must be returned by him or her to the person or  
12 committee contributing it and may not be used or expended by  
13 or on behalf of the candidate.

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

22           (c) With respect to any campaign for an office in  
23 which an independent or minor party candidate has filed as  
24 required in s. 99.0955 or s. 99.096, but whose qualification  
25 is pending a determination by the Department of State or  
26 supervisor of elections as to whether or not the required  
27 number of petition signatures was obtained:

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

31           2. Any contribution received by a candidate or the

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

9 (4) Any contribution received by the chair, campaign  
10 treasurer, or deputy campaign treasurer of a political  
11 committee supporting or opposing a candidate with opposition  
12 in an election or supporting or opposing an issue on the  
13 ballot in an election on the day of that election or less than  
14 5 days prior to the day of that election may not be obligated  
15 or expended by the committee until after the date of the  
16 election.

17 (5)(a) Except for contributions from leadership funds,  
18 a person may not make any contribution through or in the name  
19 of another, directly or indirectly, in any election.

20 (b) Candidates, political committees, leadership  
21 funds, and political parties may not solicit contributions  
22 from any religious, charitable, civic, or other causes or  
23 organizations established primarily for the public good.

24 (c) Candidates, political committees, leadership  
25 funds, and political parties may not make contributions, in  
26 exchange for political support, to any religious, charitable,  
27 civic, or other cause or organization established primarily  
28 for the public good. It is not a violation of this paragraph  
29 for:

30 1. A candidate, political committee, leadership fund,  
31 or political party executive committee to make gifts of money

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1 in lieu of flowers in memory of a deceased person;

2           2. A candidate to continue membership in, or make  
3 regular donations from personal or business funds to,  
4 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; or

7           3. A candidate to purchase, with campaign funds,  
8 tickets, admission to events, or advertisements from  
9 religious, civic, political party, or charitable groups.

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

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



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

7 (b) Any person who knowingly and willfully makes two  
8 or more contributions in violation of subsection (1) or  
9 subsection (5) commits a felony of the third degree,  
10 punishable as provided in s. 775.082, s. 775.083, or s.  
11 775.084. If any corporation, partnership, or other business  
12 entity or any political party, political committee, or  
13 committee of continuous existence is convicted of knowingly  
14 and willfully violating any provision punishable under this  
15 paragraph, it shall be fined not less than \$10,000 and not  
16 more than \$50,000. If it is a domestic entity, it may be  
17 ordered dissolved by a court of competent jurisdiction; if it  
18 is a foreign or nonresident business entity, its right to do  
19 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 (8) Except when otherwise provided in subsection (7),  
28 any person who knowingly and willfully violates any provision  
29 of this section shall, in addition to any other penalty  
30 prescribed by this chapter, pay to the state a sum equal to  
31 twice the amount contributed in violation of this chapter.

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

4 (9) A leader who is also a candidate for any office  
 5 other than an office in the house in which the candidate  
 6 serves as leader, shall not make contributions from his or  
 7 her own leadership funds to support his or her own candidacy.

8 ~~(10)(9)~~ This section does not apply to the transfer of  
 9 funds between a primary campaign depository or primary  
 10 leadership depository and a savings account or certificate of  
 11 deposit or to any interest earned on such account or  
 12 certificate.

13 Section 32. Effective upon this act becoming a law,  
 14 subsection (3) of section 106.147, Florida Statutes, is  
 15 amended to read:

16 106.147 Telephone solicitation; disclosure  
 17 requirements; prohibitions; exemptions; penalties.--

18 (3)(a) Any person who willfully violates any provision  
 19 of this section commits a misdemeanor of the first degree,  
 20 punishable as provided in s. 775.082 or s. 775.083.

21 (b) For purposes of paragraph (a), the term "person"  
 22 includes any candidate; any officer of any political  
 23 committee, committee of continuous existence, or political  
 24 party executive committee; any officer, partner, attorney, or  
 25 other representative of a corporation, partnership, or other  
 26 business entity; and any agent or other person acting on  
 27 behalf of any candidate, political committee, committee of  
 28 continuous existence, leadership fund, political party  
 29 executive committee, or corporation, partnership, or other  
 30 business entity.

31 Section 33. Effective upon this act becoming a law,

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1 section 106.148, Florida Statutes, is amended to read:

2           106.148 Disclosure of on-line computer  
3 solicitation.--A message placed on an information system  
4 accessible by computer by a candidate, leader expending  
5 leadership funds, political party, political committee, or  
6 committee of continuous existence, or an agent of any such  
7 candidate, leadership fund, party, or committee, which message  
8 is accessible by more than one person, other than an internal  
9 communication of the leadership fund, party, committee, or  
10 campaign, must include a statement disclosing all information  
11 required of political advertisements under s. 106.143.

12           Section 34. Effective upon this act becoming a law,  
13 section 106.17, Florida Statutes, is amended to read:

14           106.17 Polls and surveys relating to candidacies.--Any  
15 candidate, political committee, leadership fund, or state or  
16 county executive committee of a political party may authorize  
17 or conduct a political poll, survey, index, or measurement of  
18 any kind relating to candidacy for public office so long as  
19 the candidate, political committee, leadership fund, or  
20 political party maintains complete jurisdiction over the poll  
21 in all its aspects.

22           Section 35. Effective upon this act becoming a law,  
23 section 106.29, Florida Statutes, is amended to read:

24           106.29 Reports by political parties and leadership  
25 funds; restrictions on contributions and expenditures;  
26 penalties.--

27           (1) The state executive committee of each political  
28 party regulated by chapter 103, and each county executive  
29 committee of each political party regulated by chapter 103,  
30 and each leadership fund shall file regular reports of all  
31 contributions received and all expenditures made ~~by such~~

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1 ~~committee~~. Such reports shall contain the same information as  
2 do reports required of candidates by s. 106.07 and shall be  
3 filed on the 10th day following the end of each calendar  
4 quarter, except that, during the period from the last day for  
5 candidate qualifying until the general election, such reports  
6 shall be filed on the Friday immediately preceding the first  
7 primary election, the second primary election, and the general  
8 election. Each state executive committee and each leader  
9 shall file the original and one copy of its reports with the  
10 Division of Elections. Each county executive committee shall  
11 file its reports with the supervisor of elections in the  
12 county in which such committee exists. Any state or county  
13 executive committee or any leadership fund failing to file a  
14 report on the designated due date shall be subject to a fine  
15 as provided in subsection (3). No separate fine shall be  
16 assessed for failure to file a copy of any report required by  
17 this section.

18 (2)(a) The chair and treasurer of each state or county  
19 executive committee, and the leader and treasurer of a  
20 leadership fund, shall certify as to the correctness of each  
21 report filed by them on behalf of such committee or leadership  
22 fund. Any committee chair or treasurer, or any leader or  
23 leadership fund treasurer, who certifies the correctness of  
24 any report while knowing that such report is incorrect, false,  
25 or incomplete commits a felony of the third degree, punishable  
26 as provided in s. 775.082, s. 775.083, or s. 775.084.

27 (b) If two or more leaders successively operate the  
28 same leadership fund during a single reporting period, each  
29 must file a separate report pursuant to paragraph (a) for the  
30 period that he or she operated the fund.

31 (3)(a) Any state or county executive committee, or any

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1 leadership fund, failing to file a report on the designated  
2 due date shall be subject to a fine as provided in paragraph  
3 (b) for each late day. The fine shall be assessed by the  
4 filing officer, or, in the case of a leadership fund, by the  
5 division, and the moneys collected shall be deposited in the  
6 Elections Commission Trust Fund.

7 (b) Upon determining that a state or county executive  
8 committee report is late, the filing officer shall immediately  
9 notify the chair of the executive committee as to the failure  
10 to file a report by the designated due date and that a fine is  
11 being assessed for each late day. Upon determining that a  
12 leadership fund report is late, the division shall immediately  
13 notify the leader as to the failure to file a report by the  
14 designated due date and that a fine is being assessed for each  
15 late day. The fine shall be \$1,000 for a state executive  
16 committee or leadership fund, and \$50 for a county executive  
17 committee, per day for each late day, not to exceed 25 percent  
18 of the total receipts or expenditures, whichever is greater,  
19 for the period covered by the late report. However, if an  
20 executive committee or leadership fund fails to file a report  
21 on the Friday immediately preceding the general election, the  
22 fine shall be \$10,000 per day for each day a state executive  
23 committee or leadership fund is late and \$500 per day for each  
24 day a county executive committee is late. Upon receipt of the  
25 report, the division or filing officer, as appropriate, shall  
26 determine the amount of the fine which is due and shall notify  
27 the committee chair or leader. The division or filing  
28 officer, as appropriate, shall determine the amount of the  
29 fine due based upon the earliest of the following:

30 1. When the report is actually received ~~by such~~  
31 ~~officer~~.

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- 1           2. When the report is postmarked.
- 2           3. When the certificate of mailing is dated.
- 3           4. When the receipt from an established courier
- 4 company is dated.

5

6 Such fine shall be paid to the division or filing officer, as  
 7 appropriate, within 20 days after receipt of the notice of  
 8 payment due, unless appeal is made to the Florida Elections  
 9 Commission pursuant to paragraph (c). An officer or member of  
 10 an executive committee or a leader shall not be personally  
 11 liable for such fine.

12           (c) The chair of an executive committee or a leader  
 13 may appeal or dispute the fine, based upon unusual  
 14 circumstances surrounding the failure to file on the  
 15 designated due date, and may request and shall be entitled to  
 16 a hearing before the Florida Elections Commission, which shall  
 17 have the authority to waive the fine in whole or in part. Any  
 18 such request shall be made within 20 days after receipt of the  
 19 notice of payment due. In such case, the chair of the  
 20 executive committee or the leader shall, within the 20-day  
 21 period, notify the division or filing officer, as appropriate,  
 22 in writing of his or her intention to bring the matter before  
 23 the commission.

24           (d) The division or the ~~appropriate~~ filing officer, as  
 25 appropriate, shall notify the Florida Elections Commission of  
 26 the repeated late filing by an executive committee or  
 27 leadership fund, the failure of an executive committee or  
 28 leadership fund to file a report after notice, or the failure  
 29 to pay the fine imposed.

30           (4) Any contribution received by a state or county  
 31 executive committee or a leadership fund less than 5 days

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1 before an election shall not be used or expended in behalf of  
 2 any candidate, issue, or political party participating in such  
 3 election.

4 (5) No state or county executive committee nor any  
 5 leadership fund, in the furtherance of any candidate or  
 6 political party, directly or indirectly, shall give, pay, or  
 7 expend any money, give or pay anything of value, authorize any  
 8 expenditure, or become pecuniarily liable for any expenditure  
 9 prohibited by this chapter. However, the contribution of funds  
 10 by one executive committee to another or to established party  
 11 organizations for legitimate party or campaign purposes is not  
 12 prohibited, but all such contributions shall be recorded and  
 13 accounted for in the reports of the contributor and recipient.  
 14 Similarly, the contribution of funds by a national, state, or  
 15 county executive committee to a leadership fund or from a  
 16 leadership fund to such committee for legitimate party or  
 17 leadership purposes is not prohibited, but all such  
 18 contributions shall be recorded and accounted for in the  
 19 reports of the contributor and recipient required by state  
 20 law.

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

28 (b) A violation of the contribution limits contained  
 29 in s. 106.08(2) is a misdemeanor of the first degree,  
 30 punishable as provided in s. 775.082 or s. 775.083. A civil  
 31 penalty equal to three times the amount in excess of the

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1 limits contained in s. 106.08(2) shall be assessed against any  
 2 executive committee or leadership fund found in violation  
 3 thereof.

4 (7) The division shall prescribe a form for reporting  
 5 leadership fund contributions and expenditures pursuant to  
 6 this section.

7 (8) Notwithstanding any other provisions of this  
 8 chapter, in any reporting period during which a leadership  
 9 fund has not received any contributions or made any reportable  
 10 expenditures, the filing of the report for that period shall  
 11 be waived. However, the next report filed must specify that  
 12 it covers the entire period between the last submitted report  
 13 and the report being filed.

14 Section 36. Effective upon this act becoming a law,  
 15 section 106.295, Florida Statutes, is amended to read:

16 106.295 Leadership fund.--

17 (1) For purposes of this section:

18 (a) "Leadership fund" means accounts comprised of any  
 19 moneys contributed to a leader ~~political party, directly or~~  
 20 ~~indirectly,~~ which are designated for deposit into a primary  
 21 leadership depository. Such funds may to be used at the  
 22 ~~partial or total discretion of the a leader for any purpose on~~  
 23 which the state or county executive committee of a political  
 24 party could spend its funds, and also for the payment of  
 25 leadership expenses.

26 (b) "Leader" means the President of the Senate, the  
 27 Speaker of the House of Representatives, ~~the majority leader~~  
 28 and the minority leader of each house, or any member  
 29 personally designated by the President of the Senate, the  
 30 Speaker of the House of Representatives, or such minority  
 31 leader, until such time as and any person designated by a



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1 political caucus of members of either house formally  
2 designates a successor to succeed to any such position who  
3 shall, upon such designation, become the leader for purposes  
4 of this chapter.

5 (2) A leader operating a leadership fund shall appoint  
6 a fund treasurer and designate a primary leadership depository  
7 for the purpose of depositing all contributions received and  
8 disbursing all expenditures made by the fund. Except for  
9 expenditures made from petty cash funds pursuant to subsection  
10 (3), each leader and treasurer shall make expenditures from  
11 funds on deposit in such primary leadership depository only by  
12 means of a bank check or debit card, subject to the same  
13 limitations governing primary campaign depositories as  
14 provided in s. 106.11.

15 (3) A leadership fund treasurer may withdraw funds  
16 from the primary leadership depository to establish a petty  
17 cash fund in the same manner and subject to the same  
18 limitations as apply to statewide candidates pursuant to s.  
19 106.12. For purposes of applying this subsection, the term  
20 "qualifying" in s. 106.12 shall refer to the period during  
21 which state legislative candidates qualify with the Department  
22 of State pursuant to chapter 99.

23 (4) A leadership fund treasurer shall keep the same  
24 type of detailed accounts with regard to the leadership fund  
25 as a campaign treasurer keeps for a candidate pursuant to s.  
26 106.06, except that the leadership fund treasurer shall  
27 preserve the accounts kept for 2 years. Accounts kept by the  
28 leadership fund treasurer shall be open to inspection as  
29 provided in s. 106.06.

30 ~~(2) Leadership funds are prohibited in this state. No~~  
31 ~~leader shall accept any leadership funds.~~

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1           ~~(3) This section applies to leadership funds in~~  
2 ~~existence on or after January 1, 1990.~~

3           Section 37. Effective upon this act becoming a law,  
4 subsection (3) of section 106.33, Florida Statutes, is amended  
5 to read:

6           106.33 Election campaign financing; eligibility.--Each  
7 candidate for the office of Governor or member of the Cabinet  
8 who desires to receive contributions from the Election  
9 Campaign Financing Trust Fund shall, upon qualifying for  
10 office, file a request for such contributions with the filing  
11 officer on forms provided by the Division of Elections. If a  
12 candidate requesting contributions from the fund desires to  
13 have such funds distributed by electronic fund transfers, the  
14 request shall include information necessary to implement that  
15 procedure. For the purposes of ss. 106.30-106.36, candidates  
16 for Governor and Lieutenant Governor on the same ticket shall  
17 be considered as a single candidate. To be eligible to  
18 receive contributions from the fund, a candidate may not be an  
19 unopposed candidate as defined in s. 106.011(15) and must:

20           (3) Limit loans or contributions from the candidate's  
21 personal funds to \$25,000 and contributions from leadership  
22 funds and national, state, and county executive committees of  
23 a political party to \$25,000 in the aggregate, which loans or  
24 contributions shall not qualify for meeting the threshold  
25 amounts in subsection (2).

26           Section 38. Effective upon becoming a law, subsection  
27 (2) of section 103.081, Florida Statutes, is amended to read:

28           103.081 Use of party name; political advertising.--

29           (2) No person or group of persons shall use the name,  
30 abbreviation, or symbol of any political party, the name,  
31 abbreviation, or symbol of which is filed with the Department

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1 of State, in connection with any club, group, association, or  
2 organization of any kind unless approval and permission have  
3 been given in writing by the state executive committee of such  
4 party. This subsection shall not apply to county executive  
5 committees of such parties, leadership funds where the leader  
6 is a member of such party, and organizations which are  
7 chartered by the national executive committee of the party the  
8 name, abbreviation, or symbol of which is to be used, or to  
9 organizations using the name of any political party which  
10 organizations have been in existence and organized on a  
11 statewide basis for a period of 10 years.

12 Section 39. Effective upon becoming a law, subsection  
13 (1) of section 103.091, Florida Statutes, is amended to read:

14 103.091 Political parties.--

15 (1)(a) Each political party of the state shall be  
16 represented by a state executive committee. County executive  
17 committees and other committees may be established in  
18 accordance with the rules of the state executive committee. A  
19 political party may provide for the selection of its national  
20 committee and its state and county executive committees in  
21 such manner as it deems proper. Unless otherwise provided by  
22 party rule, the county executive committee of each political  
23 party shall consist of at least two members, a man and a  
24 woman, from each precinct, who shall be called the precinct  
25 committeeman and committeewoman. For counties divided into 40  
26 or more precincts, the state executive committee may adopt a  
27 district unit of representation for such county executive  
28 committees. Upon adoption of a district unit of  
29 representation, the state executive committee shall request  
30 the supervisor of elections of that county, with approval of  
31 the board of county commissioners, to provide for election

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1 districts as nearly equal in number of registered voters as  
2 possible. Each county committeeman or committeewoman shall be  
3 a resident of the precinct from which he or she is elected.

4 (b) There is created within each political party with  
5 a "leader" as defined in s. 106.295, a leadership fund. Such  
6 leadership fund, as provided for in s. 106.295, shall be an  
7 instrumentality of the political party and function as a  
8 subsidiary thereof pursuant to Chapter 106; however, it shall  
9 not be subject to control, supervision, or direction of the  
10 political party or any agent thereof, except for the leader  
11 operating the leadership fund.

12 Section 40. Subsection (13) of section 106.011,  
13 Florida Statutes, is amended to read:

14 106.011 Definitions.--As used in this chapter, the  
15 following terms have the following meanings unless the context  
16 clearly indicates otherwise:

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

28 Section 41. Subsection (5) of section 106.11, Florida  
29 Statutes, is amended to read:

30 106.11 Expenses of and expenditures by candidates and  
31 political committees.--Each candidate and each political

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1 committee which designates a primary campaign depository  
2 pursuant to s. 106.021(1) shall make expenditures from funds  
3 on deposit in such primary campaign depository only in the  
4 following manner, with the exception of expenditures made from  
5 petty cash funds provided by s. 106.12:

6 (5) A candidate who withdraws his or her candidacy,  
7 becomes an unopposed candidate, or is eliminated as a  
8 candidate or elected to office may expend funds from the  
9 campaign account to:

10 (a) Purchase "thank you" advertising for up to 75 days  
11 after he or she withdraws, ~~becomes unopposed,~~ or is eliminated  
12 or elected.

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

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

17 (d) Dispose of surplus funds as provided in s.  
18 106.141.

19 Section 42. Subsection (1) of section 106.141, Florida  
20 Statutes, is amended to read:

21 106.141 Disposition of surplus funds by candidates.--

22 (1) Each candidate who withdraws his or her candidacy,  
23 ~~becomes an unopposed candidate, or is eliminated as a~~  
24 ~~candidate, or is~~ elected to office shall, no later than 90  
25 days after such withdrawal, elimination, or election ~~within 90~~  
26 ~~days~~, dispose of the funds on deposit in his or her campaign  
27 account and file a report reflecting the disposition of all  
28 remaining funds. Such candidate shall not accept any  
29 contributions, nor shall any person accept contributions on  
30 behalf of such candidate, after the candidate withdraws his or  
31 her candidacy, becomes an unopposed candidate, or is

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1 eliminated or elected. However, if a candidate receives a  
 2 refund check after all surplus funds have been disposed of,  
 3 the check may be endorsed by the candidate and the refund  
 4 disposed of under this section. An amended report must be  
 5 filed showing the refund and subsequent disposition.

6 Section 43. Section 106.1433, Florida Statutes, is  
 7 created to read:

8 106.1433 Florida Advertising campaign exposure;  
 9 electioneering advertisements; requirements.--

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

11 (a) "Electioneering advertisement" means a paid  
 12 expression in any communications media prescribed in s.  
 13 106.011(13) published on the day of any election or any of the  
 14 the preceding 29 days which names or depicts a candidate for  
 15 office in that election or which references a clearly  
 16 identifiable ballot measure in that election. Any  
 17 advertisement that qualifies as an independent expenditure  
 18 pursuant to s. 106.011(5) or a political advertisement  
 19 pursuant to s. 106.011(17) is not an electioneering  
 20 advertisement for purposes of this section. However, the term  
 21 does not include:

22 1. A statement or depiction by an organization, in  
 23 existence prior to the time during which the candidate named  
 24 or depicted qualifies or the issue clearly-referenced is  
 25 placed on the ballot for that election, made in that  
 26 organization's newsletter, which newsletter is distributed  
 27 only to members of that organization.

28 2. An editorial endorsement by any newspaper, radio,  
 29 or television station or other recognized news medium.

30 (b) "Contribution" means:

31 1. A gift, subscription, conveyance, deposit, loan,

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1 payment, or distribution of money or anything of value,  
2 including contributions in kind having an attributable  
3 monetary value in any form, made for the purpose of funding or  
4 sponsoring an electioneering advertisement.

5 2. A transfer of funds between a political committee  
6 or a committee or continuous existence and a person funding or  
7 sponsoring an electioneering advertisement.

8 3. The payment, by any person other than a candidate  
9 or political committee, of compensation for the personal  
10 services of another person which are rendered to a person  
11 funding or sponsoring an electioneering advertisement.

12 (c) "Expenditure" means a purchase, payment,  
13 distribution, loan, advance, or gift of money or anything of  
14 value made for the purpose of funding or sponsoring an  
15 electioneering advertisement. However, the term does not  
16 include a purchase, payment, distribution, loan, advance, or  
17 gift of money or anything of value made for the purpose of  
18 funding or sponsoring an electioneering advertisement when  
19 made by an organization, in existence prior to the time during  
20 which a candidate qualifies or a ballot measure is placed on  
21 the ballot for that election, for the purpose of printing or  
22 distributing such organization's newsletter, containing a  
23 statement by such organization in support of or opposition to  
24 a candidate or ballot measure, which newsletter is distributed  
25 only to members of such organization.

26 (2) Each person that sponsors or funds an  
27 electioneering advertisement must file regular reports of all  
28 contributions received and all expenditures made by such  
29 person with the same officer as a political committee  
30 supporting or opposing the candidate named or depicted or the  
31 ballot measure referenced in the advertisement. Such reports

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1 must contain the same information and are subject to the same  
2 filing requirements as reports required under s. 106.07 for  
3 candidates not receiving public financing.

4 (3)(a) If the initial publication of the  
5 electioneering advertisement occurs after the final regular  
6 report is due under subsection (2) but prior to the closing of  
7 the polls on election day, the person funding or sponsoring  
8 the advertisement must file a report electronically with the  
9 division no later than 1 hour after the initial publication of  
10 the advertisement. The report must contain the same  
11 information as required of a candidate by s. 106.07(4). Upon  
12 receipt of the filing, the division shall electronically  
13 transmit a confirmation of receipt to the person filing the  
14 report. If the person is unable to file electronically for any  
15 reason, a written report containing the required information  
16 may be faxed or hand delivered to the division no later than 1  
17 hour after the initial publication of the advertisement.

18 However, if a report due to be filed under this paragraph on a  
19 Saturday, Sunday, or legal holiday cannot be electronically  
20 filed because of problems with Internet communications, the  
21 report must be filed either electronically, by facsimile, or  
22 by hand delivery with the division no later than 10 a.m. on  
23 the next business day.

24 (b) The division shall adopt rules providing for  
25 electronic filing which must, at a minimum, provide that:

26 1. The division develop an electronic filing system  
27 using the Internet or other on-line technologies; and

28 2. The system be reasonably secure and be designed to  
29 elicit the name, address, birthdate, and any other information  
30 necessary to authenticate the identity of the person  
31 submitting the report.



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1           (c) Information filed with the division pursuant to  
2 this subsection must also be included on the next regular  
3 report required under subsection (2).

4           (4)(a) The following persons shall be responsible for  
5 filing the reports required in subsections (2) and (3), shall  
6 certify as to the correctness of each report, and shall bear  
7 the responsibility for the accuracy and veracity of each  
8 report:

9           1. The candidate and his or her campaign treasurer, if  
10 the person funding or sponsoring the electioneering  
11 advertisement is a candidate.

12           2. The committee chair and treasurer of the committee,  
13 if the person funding or sponsoring the electioneering  
14 advertisement is a political committee, committee of  
15 continuous existence, or executive committee of a political  
16 party;

17           3. The individual, if the person funding or sponsoring  
18 the electioneering advertisement is a natural person who is  
19 not a candidate; or

20           4. The organization's most senior officer, or, if  
21 there is no formal organizational structure, the principal  
22 organizer, if the person funding or sponsoring the  
23 electioneering advertisement is a group other than a political  
24 committee, committee of continuous existence, or executive  
25 committee of a political party. The name, address, and title  
26 of the designated individual must be filed with the division  
27 in writing prior to, or contemporaneous with, the filing of  
28 the initial report.

29

30 Such a person is liable for violations of report filing  
31 requirements to the same extent as candidates pursuant to ss.

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1 106.07(5), 106.19, and 106.265.

2 (b) In addition to the penalties prescribed in  
3 paragraph (a), the person funding or sponsoring an  
4 electioneering advertisement and the person responsible for  
5 reporting pursuant to this subsection shall be jointly and  
6 severally liable for late filing fines assessed by the Florida  
7 Elections Commission pursuant to s. 106.07(8). Any such person  
8 may appeal or dispute the fine in accordance with the  
9 provisions of s. 106.07(8)(c).

10 (5) Any electioneering advertisement must be approved  
11 by the individual required to certify reports pursuant to  
12 subsection (4). Such individual shall provide a written  
13 statement of authorization to the newspaper, radio station,  
14 television station, or other medium for each such  
15 advertisement contemporaneous with the advertisement's initial  
16 publication, display, broadcast, or other distribution.

17 (6)(a) If the person funding an electioneering  
18 advertisement is an individual subject to certifying reports  
19 pursuant to subparagraph (4)(a)1. or subparagraph (4)(a)3.,  
20 the advertisement must prominently state, "Paid advertisement  
21 paid for and approved by ... (Name of person funding the  
22 electioneering advertisement)...," followed by the address of  
23 the person funding the advertisement.

24 (b) If the person funding an electioneering  
25 advertisement is a group, organization, or committee subject  
26 to certifying reports pursuant to subparagraph (4)(a)2. or  
27 subparagraph (4)(a)4., the advertisement must prominently  
28 state, "Paid advertisement paid for and approved by ... (Name  
29 and title of individual(s) required to certify reports)... of  
30 ...(name of group, organization, or committee)...," followed  
31 by the address of the group, organization, or committee.

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1       (c) The Florida Elections Commission is authorized,  
2 upon finding a violation of this subsection, to impose a civil  
3 penalty in the form of fines not to exceed \$5,000 or the total  
4 cost of the advertisements without the proper disclaimer,  
5 whichever is greater. In determining the amount of the  
6 penalty, the commission must consider any mitigating or  
7 aggravating circumstances prescribed in s. 106.265. This  
8 penalty shall substitute for the penalties provided in s.  
9 106.265, shall be deposited into the General Revenue Fund of  
10 the state, and, if necessary, shall be collected pursuant to  
11 s. 106.265(2).

12       (7) Except for contributions from leadership funds, a  
13 person may not make a contribution through or in the name of  
14 another, directly or indirectly, for the purpose of funding an  
15 electioneering advertisement.

16  
17 (Redesignate subsequent sections.)

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

21 And the title is amended as follows:

22       On page 4, line 7 to page 6, line 4, delete those lines

23  
24 and insert:

25       for the 2004 elections; amending s. 99.103,  
26       F.S.; directing the rebate of legislative  
27       candidate filing fees to leadership funds;  
28       amending s. 99.092, F.S.; relating to the  
29       return of filing fees in the event of a  
30       candidate's death, to conform; amending s.  
31       106.011, F.S.; redefining the terms "political

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1 committee," "independent expenditure," and  
2 "person"; amending s. 106.021, F.S.; exempting  
3 leadership fund expenditures for communications  
4 jointly endorsing three or more candidates from  
5 the limits applicable to candidate  
6 contributions; amending s. 106.025, F.S.;  
7 exempting certain leadership fund fundraisers  
8 from campaign fund raiser requirements;  
9 amending s. 106.04, F.S.; modifying reporting  
10 requirements for committees of continuous  
11 existence that make contributions to leadership  
12 funds; amending s. 106.08, F.S.; exempting  
13 leadership funds from the limits applicable to  
14 contributions to candidates and political  
15 committees supporting candidates; prescribing  
16 the amount a candidate may accept in  
17 contributions from leadership funds; exempting  
18 contributions from leadership funds from the  
19 statutory proscription against making indirect  
20 contributions; limiting the activities of  
21 leadership funds with regard to soliciting  
22 from, and making contributions to, charitable  
23 and philanthropic groups; prohibiting  
24 leadership funds from accepting earmarked  
25 contributions designed to benefit a specific  
26 candidate; prohibiting leaders who are  
27 candidates from using their own leadership  
28 funds to support their own candidacy in certain  
29 circumstances; prescribing penalties; amending  
30 s. 106.147, F.S.; redefining the term "person"  
31 to include leadership funds for purposes of

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1 telephone solicitation requirements; amending  
2 s. 106.148, F.S.; subjecting leadership funds  
3 to computer solicitation disclosure  
4 requirements; amending s. 106.17, F.S.;  
5 authorizing leadership funds to conduct certain  
6 polls and surveys relating to candidacies;  
7 amending s. 106.29, F.S.; subjecting leadership  
8 funds to the same periodic campaign finance  
9 reporting requirements as executive committees  
10 of political parties; requiring the Division of  
11 Elections to provide a campaign finance form  
12 for reporting leadership fund contributions and  
13 expenditures; providing an exemption from  
14 leadership fund reporting requirements for  
15 periods of inactivity; prescribing penalties;  
16 amending s. 106.295, F.S.; redefining the terms  
17 "leadership fund" and "leader"; authorizing  
18 leadership funds; requiring the creation of a  
19 primary leadership depository; mandating the  
20 appointment of a leadership fund treasurer;  
21 prescribing the method for making leadership  
22 fund expenditures; authorizing the use of petty  
23 cash funds; requiring the leadership fund  
24 treasurer to maintain records and accounts in a  
25 certain manner for a specified period; amending  
26 s. 106.33, F.S.; modifying the contribution  
27 limits applicable to candidates accepting  
28 public financing; amending s. 103.081, F.S.;  
29 exempting leadership funds from the prohibition  
30 against the use of its political party name,  
31 abbreviation, or symbol; amending s. 103.09,

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1 F.S.; creating leadership funds as an  
2 independent entity within a political party;  
3 amending s. 106.011, F.S.;

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