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



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31 expenditures; amending s. 106.011, F.S.; redefining the  
32 term "political advertisement"; amending s. 106.021, F.S.;  
33 eliminating authorization for unrestricted expenditures by  
34 political committees and political parties to jointly  
35 endorse three or more candidates; amending s. 106.08,  
36 F.S.; providing limits on contributions to political  
37 parties; revising limits on contributions to candidates by  
38 political parties; providing penalties; amending s.  
39 106.087, F.S.; eliminating a restriction on independent  
40 expenditures by certain political committees and  
41 committees of continuous existence; conforming a cross  
42 reference; reenacting s. 106.19, F.S., relating to  
43 penalties, to incorporate the amendments to ss. 106.08 and  
44 106.265, F.S., in references thereto; amending s. 106.29,  
45 F.S.; revising reporting requirements of political parties;  
46 conforming cross references; repealing ss. 106.30-106.36,  
47 F.S., the "Florida Election Campaign Financing Act," to  
48 conform; amending ss. 106.07, 106.141, 106.22, 106.265,  
49 199.052, 320.02, 322.08, 328.72, and 607.1622, F.S.;  
50 revising references and providing for deposit of various  
51 fines, surplus funds, and voluntary contributions in the  
52 Clean Money Trust Fund, to conform; providing for a  
53 surcharge on civil penalties to be deposited into the  
54 trust fund and for deposit of the surcharge funds into the  
55 trust fund; reenacting ss. 106.143(8) and 106.144(2),  
56 F.S., relating to the circulation of political  
57 advertisements and endorsements or opposition by certain  
58 groups and organizations, to incorporate the amendment to  
59 s. 106.265, F.S., in references thereto; providing  
60 severability; providing a contingent effective date.



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

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

106.401 Popular name.--Sections 106.401-106.426 shall be known by the popular name "The Florida Clean Elections Act."

106.402 Findings and declarations.--

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

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

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

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

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

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



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91 (f) It drives up the cost of election campaigns, making it  
92 difficult for qualified candidates without access to wealthy  
93 contributors or personal fortunes to mount competitive  
94 campaigns.

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

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

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

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

107 (a) It would help eliminate the deleterious influence of  
108 large contributions on the political process, remove access to  
109 wealth as a major determinant of a person's influence within the  
110 political process, and restore meaning to the principle of "one  
111 person, one vote."

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

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

117 (d) It would help restore the First Amendment right of  
118 voters and candidates to be heard in the political process, the  
119 First Amendment right of voters to hear all candidates' speech,  
120 and the core First Amendment value of open and robust debate in



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121 the political process.

122 (e) It would diminish the public perception of corruption  
123 and strengthen public confidence in the democratic process and  
124 democratic institutions.

125 (f) It would halt and reverse the escalating cost of  
126 elections.

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

131 (h) It would facilitate communication with the electorate  
132 by candidates, regardless of their access to large sums of  
133 campaign money.

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

137 (3) The Legislature further finds and declares that the  
138 unique factual circumstances in this state require that ss.  
139 106.401-106.426 be enacted to promote the compelling state  
140 interests listed in subsection (2). The provisions of ss.  
141 106.401-106.426 are designed to create a rough proportionality  
142 between the benefits and restrictions that apply to  
143 participating candidates. However, it should be clear that the  
144 provisions of ss. 106.401-106.426 are not entirely neutral.  
145 Participating candidates are deliberately favored to further the  
146 compelling state interest of encouraging participation in the  
147 public financing program.

148 106.403 Definitions.--As used in ss. 106.401-106.426,  
149 except where the context clearly indicates otherwise, the term:

150 (1) "Allowable contribution" means a qualifying



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151 contribution or a seed money contribution.

152 (2) "Clean money qualifying period" means the period  
153 during which candidates for statewide or legislative office are  
154 permitted to collect qualifying contributions in order to  
155 qualify for clean money funding. For legislative races, it  
156 begins on the 60th day before the beginning of the first primary  
157 election campaign period and ends on the 30th day before the day  
158 of the first primary election. For gubernatorial and other  
159 statewide races, it begins on the 120th day before the beginning  
160 of the first primary election campaign period and ends on the  
161 30th day before the day of the first primary election.

162 (3) "Commission" means the Florida Elections Commission.

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

164 (5) "Division" means the Division of Elections of the  
165 Department of State.

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

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

173 (8) "General election campaign period" means the period  
174 beginning the day after the first or second primary election,  
175 whichever is the last primary election at which the office  
176 sought is contested, and ending on the day of the general  
177 election.

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

180 (10) "Independent candidate" means a candidate for



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181 statewide or legislative office who does not represent a  
182 political party that has been granted ballot status and holds a  
183 primary election to choose its nominee for the general election.

184 (11) "Mass mailing" means any mailing of 200 or more  
185 identical or substantively identical pieces of mail sent by a  
186 candidate for statewide or legislative office or an elected  
187 official holding a statewide or legislative office to the  
188 voters, residents, or postal box-holders within the territorial  
189 jurisdiction of the office sought by such candidate or held by  
190 such official. Such mailings, consisting of substantively  
191 identical letters, newsletters, pamphlets, brochures, or other  
192 written material, are distinct from mailings made in direct  
193 response to communications from persons or groups to whom the  
194 matter is mailed; mailings to federal, state, or local  
195 government officials; and news releases to the communications  
196 media, all of which are exempt from this definition.

197 (12) "Nonparticipating candidate" means a candidate for  
198 statewide or legislative office who is on the ballot but has  
199 chosen not to apply for clean money campaign funding or a  
200 candidate for statewide or legislative office who is on the  
201 ballot and has applied but has not satisfied the requirements  
202 for receiving clean money funding.

203 (13) "Participating candidate" means a candidate for  
204 statewide or legislative office who qualifies for clean money  
205 campaign funding. Such candidates are eligible to receive clean  
206 money funding during primary and general election campaign  
207 periods.

208 (14) "Party candidate" means a candidate for statewide or  
209 legislative office who represents a political party that has  
210 been granted ballot status and holds a primary election to



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211 choose its nominee for the general election.

212 (15) "Qualifying contribution" means a contribution of \$5  
213 that is received during the applicable clean money qualifying  
214 period by a candidate seeking to become eligible for clean money  
215 campaign funding and that is acknowledged by a written receipt  
216 identifying the contributor. Contributors must be registered  
217 voters who reside within the territorial jurisdiction of the  
218 office and who are therefore eligible to vote for that  
219 candidate. Qualifying contributions must be made in cash or by  
220 check or money order; must be accompanied by a receipt fully  
221 identifying the contributor which includes a signed statement  
222 indicating that he or she fully understands the purpose of the  
223 contribution and that the contribution is made without coercion  
224 or reimbursement; and must be turned over to the division for  
225 deposit in the Clean Money Trust Fund. Qualifying contributions  
226 must be gathered by the candidates themselves or by volunteers  
227 who receive no compensation.

228 (16) "Second primary election campaign period" means the  
229 period beginning the day after the first primary election and  
230 ending on the day of the second primary election.

231 (17) "Seed money contribution" means a contribution of no  
232 more than \$100 in the aggregate from any one source during the  
233 seed money period. The term does not include payments by a  
234 membership organization for the costs of communications to its  
235 members, payments by a membership organization for the purpose  
236 of facilitating the making of qualifying contributions, and  
237 volunteer activity, including the payment of incidental expenses  
238 by volunteers.

239 (18) "Seed money period" means the period beginning the  
240 day following the previous general election for the office





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241 sought and ending on the last day of the clean money qualifying  
 242 period. This is the exploratory period during which candidates  
 243 who wish to become eligible for clean money funding for the next  
 244 elections are permitted to raise and spend a limited amount of  
 245 private seed money, in contributions of up to \$100 per  
 246 individual, for the purpose of testing the waters and fulfilling  
 247 the clean money eligibility requirements.

248 (19) "Statewide office" means the office of Governor or  
 249 Cabinet member. The office of Governor includes the office of  
 250 Lieutenant Governor as a single joint candidacy in accordance  
 251 with s. 99.063.

252 106.404 Eligibility for clean money campaign funding for  
 253 party candidates.--

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

257 (a) Files a declaration with the division that he or she  
 258 has complied and will continue to comply with the requirements  
 259 of ss. 106.401-106.426, especially the requirement that during  
 260 the seed money period and the clean money qualifying period the  
 261 candidate not accept or spend private contributions from any  
 262 source other than seed money contributions and qualifying  
 263 contributions, unless the provisions of s. 106.406 apply; and

264 (b) Meets the following qualifying contribution  
 265 requirements before the close of the clean money qualifying  
 266 period:

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

269 a. For a candidate running for the office of state  
 270 representative, 500.



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271 b. For a candidate running for the office of state  
 272 senator, 1,500.

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

274 d. For a candidate running for the office of Governor,  
 275 20,000.

276 2. Each qualifying contribution must be:

277 a. Acknowledged by a receipt to the contributor with a  
 278 copy to be kept by the candidate and a copy to be submitted to  
 279 the division. The receipt shall indicate, by the contributor's  
 280 signature, that the contributor understands that the purpose of  
 281 the contribution is to help the candidate qualify for clean  
 282 money campaign funding and that he or she is currently  
 283 registered to vote in the territorial jurisdiction of the office  
 284 sought by the candidate. The receipt must include the  
 285 contributor's signature, printed name, home address, and  
 286 telephone number and the name of the candidate on whose behalf  
 287 the contribution is made.

288 b. Submitted, with the copy of the signed and completed  
 289 receipt, to the division according to the schedule and procedure  
 290 determined by the division. A contribution submitted as a  
 291 qualifying contribution that does not include the copy of the  
 292 signed and completed receipt may not be counted as a qualifying  
 293 contribution.

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

296 (a) He or she has met all of the applicable requirements  
 297 of ss. 106.401-106.426 and filed a declaration with the division  
 298 that he or she has fulfilled and will continue to fulfill the  
 299 requirements of a participating candidate as stated in ss.  
 300 106.401-106.426.



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

306 106.405 Eligibility for clean money campaign funding for  
 307 independent candidates.--

308 (1) An independent candidate qualifies as a participating  
 309 candidate for the first and second primary election campaign  
 310 periods if the candidate:

311 (a) Files a declaration with the division that he or she  
 312 has complied and will continue to comply with the requirements  
 313 of ss. 106.401-106.426, especially the requirement that during  
 314 the seed money period and the clean money qualifying period the  
 315 candidate not accept or spend private contributions from any  
 316 source other than seed money contributions and qualifying  
 317 contributions, unless the provisions of s. 106.406 apply; and

318 (b) Meets the following qualifying contribution  
 319 requirements before the close of the clean money qualifying  
 320 period:

321 1. An independent candidate must collect the same number  
 322 of qualifying contributions as a party candidate must collect  
 323 for the same office as provided in s. 106.404.

324 2. Each qualifying contribution must be:

325 a. Acknowledged by a receipt to the contributor, with a  
 326 copy to be kept by the candidate and a copy to be submitted to  
 327 the division. The receipt must indicate, by the contributor's  
 328 signature, that the contributor understands that the purpose of  
 329 the contribution is to help the candidate qualify for clean  
 330 money campaign funding and that he or she is currently



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331 registered to vote in the territorial jurisdiction of the office  
332 sought by the candidate. The receipt must include the  
333 contributor's signature, printed name, home address, and  
334 telephone number and the name of the candidate on whose behalf  
335 the contribution is made.

336 b. Submitted, with the copy of the signed and completed  
337 receipt, to the division according to the schedule and procedure  
338 determined by the division. A contribution submitted as a  
339 qualifying contribution that does not include the copy of the  
340 signed and completed receipt may not be counted as a qualifying  
341 contribution.

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

344 (a) Before the first and second primary election campaign  
345 periods, he or she has met all of the applicable requirements of  
346 ss. 106.401-106.426 and filed a declaration with the division  
347 that he or she has fulfilled and will continue to fulfill the  
348 requirements of a participating candidate as stated in ss.  
349 106.401-106.426.

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

353 106.406 Transitional requirements for current election  
354 cycle.--During the election cycle in effect on July 1, 2003, a  
355 candidate may be certified as a participating candidate,  
356 notwithstanding the acceptance of contributions or the making of  
357 expenditures from private funds before July 1, 2003, which would  
358 otherwise disqualify the candidate as a participating candidate,  
359 if all private funds accepted but not expended before July 1,  
360 2003, are either returned to the contributors or submitted to



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361 the division for deposit in the Clean Money Trust Fund.

362 106.407 Continuing obligation to comply.--A participating  
 363 candidate who accepts any benefits during the first and second  
 364 primary election campaign periods must comply with all  
 365 requirements of ss. 106.401-106.426 through the general election  
 366 campaign period whether or not he or she continues to accept  
 367 benefits, unless the candidate either loses in one of the  
 368 primary elections or withdraws his or her candidacy and  
 369 subsequently is selected as a candidate for Lieutenant Governor  
 370 with a nonparticipating candidate for Governor.

371 106.408 Contributions and expenditures; limitations and  
 372 reporting.--

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

378 (2) A person may not make a contribution in the name of  
 379 another person. A participating candidate who receives a  
 380 qualifying contribution or seed money contribution that is not  
 381 from the person listed on the receipt required by s.  
 382 106.404(1)(b)2., s. 106.405(1)(b)2., or s. 106.410(3) shall be  
 383 liable to pay the commission the entire amount of the illegal  
 384 contribution, in addition to any other penalties prescribed by  
 385 this chapter.

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

390 (4) Eligible candidates shall furnish complete campaign



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391 records, including all records of seed money contributions and  
 392 qualifying contributions, to the division at regular filing  
 393 times or on request by the division. Candidates must cooperate  
 394 with any audit or examination by the division or the commission.

395 106.409 Use of personal funds.--

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

400 (2) Personal funds may not be used to meet the qualifying  
 401 contribution requirement except for one qualifying contribution  
 402 from the candidate and one qualifying contribution from the  
 403 candidate's spouse, provided the candidate and his or her spouse  
 404 are registered voters of the territorial jurisdiction of the  
 405 office sought by the candidate.

406 106.410 Seed money contributions.--

407 (1) The only private contributions a candidate seeking to  
 408 become eligible for clean money funding may accept, other than  
 409 qualifying contributions, are seed money contributions  
 410 contributed before the end of the clean money qualifying period.

411 (2) A seed money contribution may not exceed \$100 in the  
 412 aggregate from any one source and the aggregate amount of seed  
 413 money contributions from all sources accepted by a candidate  
 414 seeking to become eligible for clean money funding may not  
 415 exceed:

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

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

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



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421 (d) For a candidate running for the office of Governor,  
422 \$500,000.

423 (3) Receipts for seed money contributions under \$25 must  
424 include the contributor's signature, printed name, and address.  
425 Receipts for seed money contributions of \$25 or more must  
426 include the contributor's signature, printed name, street  
427 address and zip code, telephone number, occupation, and name of  
428 employer. Contributions may not be accepted if the required  
429 disclosure information is not provided.

430 (4) Seed money may be spent only during the clean money  
431 qualifying period. Seed money may not be spent during the  
432 primary or general election campaign periods.

433 (5) Within 48 hours after the close of the clean money  
434 qualifying period, each candidate seeking to become eligible for  
435 clean money funding must fully disclose all seed money  
436 contributions and expenditures to the division and turn over to  
437 the division for deposit in the Clean Money Trust Fund any seed  
438 money raised during the applicable seed money period that  
439 exceeds the aggregate seed money limit.

440 106.411 Participation in debates.--

441 (1) Participating candidates shall participate in one 1-  
442 hour debate during a contested first primary election, one 1-  
443 hour debate during a contested second primary election, and two  
444 1-hour debates during a contested general election when public  
445 debate opportunities are available.

446 (2) Licensed broadcasters receiving state funding or  
447 providing publicly authorized cable services are required to  
448 publicly broadcast one such debate, when practicable, for  
449 gubernatorial and other statewide races.

450 (3) Nonparticipating candidates for the same offices whose



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451 names will appear on the ballot must be invited to join the  
452 debates.

453 106.412 Certification of eligibility.--

454 (1) No more than 5 days after a candidate applies for  
455 clean money benefits, the division shall certify or fail to  
456 certify the candidate as eligible. Eligibility may be revoked if  
457 the candidate violates any of the requirements of ss. 106.401-  
458 106.426; in which case, all clean money funds received by the  
459 candidate must be repaid.

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

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

466 106.413 Benefits provided to candidates eligible to  
467 receive clean money.--

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

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

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

480 (c) Receive additional clean money funding to match any





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481 excess expenditure amount spent by nonparticipating candidates,  
482 as specified in s. 106.417.

483 (d) Receive additional clean money funding to match any  
484 independent expenditure made in opposition to their candidacies  
485 or on behalf of their opponents' candidacies, as specified in s.  
486 106.418.

487 (e) Receive additional clean money funding to match any  
488 issue advertisement made in opposition to their candidacies or  
489 on behalf of their opponents' candidacies, as specified in s.  
490 106.419.

491 (2) The maximum aggregate amount of additional funding a  
492 participating candidate may receive to match independent  
493 expenditures, issue advertisements, and the excess expenditures  
494 of nonparticipating candidates is 300 percent of the full amount  
495 of clean money funding allocated to the candidate for a  
496 particular primary or general election campaign period.

497 106.414 Schedule of clean money payments.--

498 (1) (a) An eligible party candidate shall receive his or  
499 her clean money funding for the first or second primary election  
500 campaign period on the date on which the division certifies the  
501 candidate as a participating candidate. This certification shall  
502 take place no later than 5 days after the candidate has  
503 submitted the required number of qualifying contributions and a  
504 declaration stating that he or she has complied with all other  
505 requirements for eligibility as a participating candidate, but  
506 no earlier than the beginning of the first or second primary  
507 election campaign period.

508 (b) An eligible party candidate shall receive his or her  
509 clean money funding for the general election campaign period  
510 within 48 hours after certification of the applicable primary



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511 election results.

512 (2) (a) An eligible independent candidate shall receive his  
513 or her clean money funding for the first or second primary  
514 election campaign period on the date on which the division  
515 certifies the candidate as a participating candidate. This  
516 certification shall take place no later than 5 days after the  
517 candidate has submitted the required number of qualifying  
518 contributions and a declaration stating that he or she has  
519 complied with all other requirements for eligibility as a  
520 participating candidate, but no earlier than the beginning of  
521 the first or second primary election campaign period.

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

526 106.415 Determination of clean money amounts.--

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

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

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

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

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

536 (b) The clean money amount for an eligible party candidate  
537 in an uncontested first primary election is 10 percent of the  
538 amount provided in a contested first primary election.

539 (c) The clean money amount for an eligible party candidate  
540 in a second primary election is 25 percent of the amount



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541 authorized for that candidate for the first primary election.

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

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

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

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

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

551 (2) (a) The clean money amount for an eligible independent  
 552 candidate in a primary election is 10 percent of the amount  
 553 received by a party candidate in a contested primary election.

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

557 (3) After the first cycle of elections subject to ss.  
 558 106.401-106.426, the division shall adjust the clean money  
 559 amounts authorized under this section based on the rate of  
 560 inflation or the cost-of-living index.

561 106.416 Expenditures made with clean money funds.--

562 (1) The clean money funding received by a participating  
 563 candidate may be used only for the purpose of defraying that  
 564 candidate's campaign-related expenses during a particular  
 565 election campaign period for which the clean money funding was  
 566 allocated.

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

570 106.417 Disclosure of excess spending by nonparticipating



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571 candidates.--

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

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

583 (3) The division may make its own determination as to  
584 whether excess expenditures have been made by nonparticipating  
585 candidates.

586 (4) Upon receiving an excess expenditure disclosure under  
587 this section, the division shall immediately release additional  
588 clean money funding to the opposing participating candidate  
589 equal to the excess expenditure amount the nonparticipating  
590 candidate has spent or intends to spend, subject to the limit  
591 set forth in s. 106.413(2).

592 106.418 Disclosure of and additional clean money to  
593 respond to independent expenditures.--

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

595 (a) "Coordination" means a payment made for a  
596 communication or anything of value that is for the purpose of  
597 influencing the outcome of an election for statewide or  
598 legislative office and that is made:

599 1. By a person in cooperation, consultation, or concert  
600 with, at the request or suggestion of, or pursuant to a



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601 particular understanding with a candidate, a candidate's  
602 campaign committee, or an agent acting on behalf of a candidate  
603 or a candidate's campaign committee;

604 2. By a person for the dissemination, distribution, or  
605 republication, in whole or in part, of any broadcast or any  
606 written, graphic, or other form of campaign material prepared by  
607 a candidate, a candidate's campaign committee, or an agent of a  
608 candidate or a candidate's campaign committee;

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

613 4. By a person if, in the same election cycle in which the  
614 payment is made, the person making the payment is serving or has  
615 served as a member, employee, fund raiser, or agent of the  
616 candidate's campaign committee in an executive or policymaking  
617 position;

618 5. By a person if the person making the payment has served  
619 in any formal policymaking or advisory position with the  
620 candidate's campaign or has participated in strategic or  
621 policymaking discussions with the candidate's campaign relating  
622 to the candidate's pursuit of nomination for election or  
623 election to a statewide or legislative office in the same  
624 election cycle as the election cycle in which the payment is  
625 made; or

626 6. By a person if the person making the payment retains  
627 the professional services of an individual or person who, in a  
628 nonministerial capacity, has provided or is providing campaign-  
629 related services in the same election cycle to a candidate who  
630 is pursuing the same nomination or election as any of the



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631 candidates to whom the communication refers.

632 (b) "Express advocacy" means a communication that is made  
633 through a broadcast medium, newspaper, magazine, billboard,  
634 direct mail, or similar type of general public communication or  
635 political advertising that advocates the election or defeat of a  
636 clearly identifiable candidate, including any communication that  
637 contains a phrase such as "vote for," "re-elect," "support,"  
638 "cast your ballot for," "(name of candidate) for (name of  
639 office)," "(name of candidate) in (year)," "vote against,"  
640 "defeat," "reject," or contains campaign slogans or individual  
641 words that in context can have no reasonable meaning other than  
642 to recommend the election or defeat of one or more clearly  
643 identifiable candidates. The term does not include any news  
644 story, commentary, or editorial by a broadcasting station,  
645 newspaper, magazine, or other publication, if the entity is not  
646 owned by or affiliated with any candidate or candidate committee  
647 or a regularly published newsletter or other communication whose  
648 circulation is limited to an organization's members, employees,  
649 shareholders, other affiliated individuals, and those who  
650 request or purchase the internal publication.

651 (c) "Independent expenditure" means an expenditure made by  
652 a person or group other than a candidate or a candidate's  
653 campaign committee which is made for a communication that  
654 contains express advocacy and is made without the participation  
655 or cooperation of and without coordination with a candidate or a  
656 candidate's campaign committee.

657 (d) "Professional services" includes services in support  
658 of a candidate's pursuit of nomination for election or election  
659 to statewide or legislative office, such as polling, media  
660 advice, direct mail, fundraising, or campaign research.



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

666 (b) The report to the division shall include a statement,  
 667 under penalty of perjury, by the person making the independent  
 668 expenditure identifying the candidate whom the independent  
 669 expenditure is intended to help elect or defeat and affirming  
 670 that the expenditure is totally independent and involves no  
 671 cooperation or coordination with a candidate or political party.

672 (c) An individual or organization may file a complaint  
 673 with the commission if the individual or organization believes  
 674 that such a statement is false. The commission shall make a  
 675 prompt determination about such a complaint.

676 (3) Upon receiving a report under this section that an  
 677 independent expenditure has been made or is obligated to be  
 678 made, the division shall immediately release additional clean  
 679 money funding, equal in amount to the cost of the independent  
 680 expenditure, to all participating candidates whom the  
 681 independent expenditure is intended to oppose or defeat,  
 682 provided the maximum aggregate amount of additional funding a  
 683 participating candidate receives to match independent  
 684 expenditures, issue advertisements, and the excess expenditures  
 685 of nonparticipating candidates is no more than 300 percent of  
 686 the full amount of clean money funding allocated to a  
 687 participating candidate in that election and the aggregate  
 688 amount of the campaign expenditures combined with the amount of  
 689 the independent expenditures of the nonparticipating candidate  
 690 benefiting from the independent expenditure exceeds the amount



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691 of clean money funding received by the participating candidate.

692 (4) Funding in the same amounts must also be granted to  
693 any participating candidate when another participating candidate  
694 benefits, however unintentionally, from independent expenditures  
695 which, in the aggregate with other expenditures, exceed the  
696 clean money amount received by the participating candidates.

697 106.419 Disclosure of and additional clean money to  
698 respond to issue advertisements.--

699 (1) As used in this section, the term "issue  
700 advertisement" means a communication through a broadcasting  
701 station, newspaper, magazine, outdoor advertising facility,  
702 mailing, or any other type of general public political  
703 advertising the purchase of which is not an independent  
704 expenditure or a contribution and which costs, in the aggregate,  
705 \$1,000 or more, contains the name or likeness of one or more  
706 candidates, is communicated during a primary or general election  
707 period, and recommends a position on a political issue.

708 (2) A person who makes a disbursement to purchase an issue  
709 advertisement shall file a report with the division not later  
710 than 48 hours after making the disbursement, containing the  
711 amount of the disbursement, the name and address of the person  
712 making the disbursement, the purpose of the issue advertisement,  
713 and the script or a printed or duplicated audio copy of the  
714 advertisement.

715 (3) Upon receiving a report under this section that an  
716 issue advertisement has been made or is obligated to be made,  
717 and upon determination that the advertisement can reasonably be  
718 interpreted as having the effect of promoting the defeat of a  
719 participating candidate or the election of that candidate's  
720 opponent, the division shall immediately authorize the release





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721 to that candidate of additional clean money funding, equal in  
722 amount to the cost of the issue advertisement, subject to the  
723 limit set forth in s. 106.413(2).

724 106.420 Voter Information Commission.--

725 (1) The Secretary of State shall establish and administer  
726 a nonpartisan Voter Information Commission consisting of  
727 representatives of nonprofit organizations, political parties,  
728 the media, and interested citizens.

729 (2) The Voter Information Commission may establish a voter  
730 information program for the purpose of providing voters with  
731 election-related information and fostering political dialogue  
732 and debate.

733 (3) The Voter Information Commission shall organize the  
734 publication and distribution of a voter information guide that  
735 includes important information about candidates appearing on the  
736 ballot, including biographical material submitted by the  
737 candidates; information on whether candidates are funding their  
738 campaigns with public money or private money; policy statements  
739 by the candidates or their political parties on issues  
740 designated by the Voter Information Commission and other issues;  
741 and, when pertinent, candidates' voting records.

742 (4) The Voter Information Commission shall evaluate, or  
743 delegate the evaluation of, the veracity of a candidate's own  
744 political advertisements submitted by participating candidates  
745 to determine whether each advertisement meets the standards of  
746 "Truth in Campaigning" as established by the Voter Information  
747 Commission and the division and reviewed biennially prior to the  
748 filing date for candidates in each general election year. Upon  
749 determination of qualification for an advertisement, the Voter  
750 Information Commission shall immediately notify the candidate



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751 and the division that the advertisement meets the established  
752 standards of "Truth in Campaigning."

753 106.421 Broadcast debates.--

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

759 (2) At a minimum, broadcasters shall broadcast, when  
760 practicable, and participating candidates in gubernatorial and  
761 other statewide races shall participate in, one 1-hour debate  
762 during a contested primary election and two 1-hour debates  
763 during a contested general election.

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

768 106.422 Limit on use of public official mailing  
769 privileges.--

770 (1) Except as provided in subsection (2), an elected  
771 official holding a statewide or legislative office shall not  
772 mail any mass mailing as government mail during the period  
773 between July 1 of the election year and the date of the general  
774 election for that office, unless the official has made a public  
775 announcement that he or she will not be a candidate for  
776 reelection to that office or for election to any other statewide  
777 or legislative office during that election cycle.

778 (2) The normal privileges for elected officials holding a  
779 statewide or legislative office shall remain applicable to  
780 mailings not covered under the definition of mass mailing in s.



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781 106.403(11).  
 782 106.423 Revenue sources for the Clean Money Trust Fund.--  
 783 (1) The Legislature may appropriate funds which, when  
 784 added to the revenue outlined in subsection (2), will be  
 785 sufficient to fully carry out the provisions of ss. 106.401-  
 786 106.426, and such funds shall be deposited in the Clean Money  
 787 Trust Fund.  
 788 (2) Other sources of revenue to be deposited in the Clean  
 789 Money Trust Fund include:  
 790 (a) The qualifying contributions required of candidates  
 791 seeking to become certified as participating candidates and such  
 792 candidates' qualifying contributions in excess of the minimum  
 793 number to qualify as a participating candidate.  
 794 (b) The excess seed money contributions of candidates  
 795 seeking to become certified as participating candidates.  
 796 (c) Unspent funds distributed to any participating  
 797 candidate who does not remain a candidate until the primary or  
 798 general election for which they were distributed, or such funds  
 799 that remain unspent by a participating candidate following the  
 800 date of the primary or general election for which they were  
 801 distributed.  
 802 (d) Fines levied by the commission against candidates for  
 803 violation of election laws, except for those fines required to  
 804 be deposited in the Elections Commission Trust Fund.  
 805 (e) Voluntary donations made directly to the trust fund.  
 806 (f) Funds from the surcharge on civil penalties levied  
 807 under s. 106.265(3).  
 808 (g) Any interest generated by the trust fund.  
 809 (h) Any other sources of revenue authorized by law.  
 810 106.424 Administration and dispersal of clean money.--



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811 (1) Upon determination that a candidate has met all the  
 812 requirements for becoming a participating candidate as provided  
 813 in ss. 106.401-106.426, the division shall authorize the  
 814 issuance to the candidate of a clean money debit card and a line  
 815 of debit entitling the candidates and members of the candidate's  
 816 staff to draw clean money funds from a state account to pay for  
 817 all campaign costs and expenses up to the amount of clean money  
 818 funding the candidate has been authorized.

819 (2) Neither a participating candidate nor any other person  
 820 on behalf of a participating candidate shall pay campaign costs  
 821 by cash, check, money order, loan, or any other financial means  
 822 besides the clean money debit card, except as otherwise provided  
 823 in subsection (3).

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

828 (4) Upon determination by the Voter Information Commission  
 829 that a candidate's political advertisement qualifies under the  
 830 "Truth in Campaigning" standards proposed by the Voter  
 831 Information Commission and adopted by the division, the division  
 832 shall authorize payment for the broadcast advertisement, which  
 833 may be made directly to broadcast vendors in the candidate's  
 834 behalf, except that the amount of payments for each candidate in  
 835 each election may not exceed an aggregate total of \$5,000.

836 106.425 Political party contributions and expenditures.--

837 (1) Participating candidates may accept monetary or in-  
 838 kind contributions from political parties if the aggregate  
 839 amount of the contributions from all political party committees  
 840 combined does not exceed the equivalent of 10 percent of the



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841 clean money financing amount for that office and if that  
 842 aggregate amount does not exceed \$100,000 per candidate per  
 843 election cycle.

844 (2) Contributions made to, and expenditures made by,  
 845 political parties during primary and general election campaign  
 846 periods must be reported to the division on the same basis as  
 847 contributions and expenditures made to or by candidates.

848 (3) This section does not prevent political party funds  
 849 from being used for general operating expenses of the party;  
 850 conventions; nominating and endorsing candidates on a  
 851 nonrecurring basis within each election period; identifying,  
 852 researching, and developing the party's positions on issues;  
 853 party platform activities; non-candidate-specific voter  
 854 registration; non-candidate-specific get-out-the-vote drives;  
 855 travel expenses for noncandidate party leaders and staff; and  
 856 other non-candidate-specific party-building activities.

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

859 106.011 Definitions.--As used in this chapter, the  
 860 following terms have the following meanings unless the context  
 861 clearly indicates otherwise:

862 (17) (a) "Political advertisement" means a paid expression  
 863 in any communications media prescribed in subsection (13),  
 864 whether radio, television, newspaper, magazine, periodical,  
 865 campaign literature, direct mail, or display or by means other  
 866 than the spoken word in direct conversation, which shall support  
 867 or oppose any candidate, elected public official, or issue. A  
 868 political advertisement shall be deemed to support or oppose a  
 869 candidate or elected public official if it mentions or shows a  
 870 clearly identifiable candidate for election or reelection and is



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871 distributed at any point during the period following the last  
 872 day of qualifying for that candidacy through the immediately  
 873 ensuing general election, regardless of whether the  
 874 communication contains the words "vote for," "re-elect," "vote  
 875 against," "defeat," or any similar words or statements.

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

877 1.(a) A statement by an organization, in existence prior  
 878 to the time during which a candidate qualifies or an issue is  
 879 placed on the ballot for that election, in support of or  
 880 opposition to a candidate or issue, in that organization's  
 881 newsletter, which newsletter is distributed only to the members  
 882 of that organization.

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

885 3. A paid expression in any communications media that  
 886 mentions or shows a clearly identifiable candidate for election  
 887 or reelection and that:

888 a. Advertises a business rather than the candidate, is  
 889 paid for out of funds of that business, and is similar to other  
 890 advertisements for that business that have mentioned or shown  
 891 the candidate and have been distributed on a regular basis over  
 892 a period of at least 1 year prior to the qualifying period for  
 893 that candidacy; or

894 b. Is distributed or broadcast only to areas other than  
 895 the geographical area of the electorate for that candidacy.

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

898 106.021 Campaign treasurers; deputies; primary and  
 899 secondary depositories.--



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900           (3) Except for independent expenditures, no contribution  
 901 or expenditure, including contributions or expenditures of a  
 902 candidate or of the candidate's family, shall be directly or  
 903 indirectly made or received in furtherance of the candidacy of  
 904 any person for nomination or election to political office in the  
 905 state or on behalf of any political committee except through the  
 906 duly appointed campaign treasurer of the candidate or political  
 907 committee; however, a candidate or any other individual may be  
 908 reimbursed for expenses incurred for travel, food and beverage,  
 909 office supplies, and mementos expressing gratitude to campaign  
 910 supporters by a check drawn upon the campaign account and  
 911 reported pursuant to s. 106.07(4). ~~In addition, expenditures may~~  
 912 ~~be made directly by any political committee or political party~~  
 913 ~~regulated by chapter 103 for obtaining time, space, or services~~  
 914 ~~in or by any communications medium for the purpose of jointly~~  
 915 ~~endorsing three or more candidates, and any such expenditure~~  
 916 ~~shall not be considered a contribution or expenditure to or on~~  
 917 ~~behalf of any such candidates for the purposes of this chapter.~~

918           Section 4. Section 106.08, Florida Statutes, is amended to  
 919 read:

920           106.08 Contributions; limitations on.--

921           (1) (a) Except for political parties, no person, political  
 922 committee, or committee of continuous existence may, in any  
 923 election, make contributions in excess of \$500 to any candidate  
 924 for election to or retention in office or to any political  
 925 committee supporting or opposing one or more candidates.  
 926 Candidates for the offices of Governor and Lieutenant Governor  
 927 on the same ticket are considered a single candidate for the  
 928 purpose of this section.



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929 (b)1. The contribution limits provided in this subsection  
 930 do not apply to contributions made by a state or county  
 931 executive committee of a political party regulated by chapter  
 932 103 or to amounts contributed by a candidate to his or her own  
 933 campaign.

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

938 (c) The contribution limits of this subsection apply to  
 939 each election. For purposes of this subsection, the first  
 940 primary, second primary, and general election are separate  
 941 elections so long as the candidate is not an unopposed candidate  
 942 as defined in s. 106.011(15). However, for the purpose of  
 943 contribution limits with respect to candidates for retention as  
 944 a justice or judge, there is only one election, which is the  
 945 general election. With respect to candidates in a circuit  
 946 holding an election for circuit judge or in a county holding an  
 947 election for county court judge, there are only two elections,  
 948 which are the first primary election and general election.

949 (2) A person, political committee, or committee of  
 950 continuous existence may not make contributions to the state and  
 951 county executive committees of a political party, including any  
 952 subordinate committee of a state or county executive committee  
 953 of a political party, which contributions, including in-kind  
 954 contributions, in the aggregate in any calendar year exceed  
 955 \$5,000.

956 (3) ~~(2)~~(a) Except as otherwise provided in s. 106.425, a  
 957 candidate for other than statewide office may not accept  
 958 contributions from national, state, ~~including any subordinate~~





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959 ~~committee of a national, state, or county committee of a~~  
 960 ~~political party,~~ and county executive committees of a political  
 961 party, including any subordinate committee of a national, state,  
 962 or county executive committee of a political party, which  
 963 contributions, including in-kind contributions, in the aggregate  
 964 in any calendar year exceed \$5,000. A candidate for statewide  
 965 office may not accept contributions from national, state, and  
 966 county executive committees of a political party, including any  
 967 subordinate committee of a national, state, or county executive  
 968 committee of a political party, which contributions, including  
 969 in-kind contributions, in the aggregate in any election cycle  
 970 exceed \$100,000 ~~\$50,000, no more than \$25,000 of which may be~~  
 971 ~~accepted prior to the 28-day period immediately preceding the~~  
 972 ~~date of the general election.~~

973 (b) Except as otherwise provided in s. 106.425, national,  
 974 state, and county executive committees of a political party,  
 975 including any subordinate committee of a national, state, or  
 976 county executive committee of a political party, may not make  
 977 contributions to a candidate for other than statewide office,  
 978 which contributions, including in-kind contributions, in the  
 979 aggregate in any calendar year exceed \$5,000. National, state,  
 980 and county executive committees of a political party, including  
 981 any subordinate committee of a national, state, or county  
 982 executive committee of a political party, may not make  
 983 contributions to a candidate for statewide office, which  
 984 contributions, including in-kind contributions, in the aggregate  
 985 in any election cycle exceed \$100,000. ~~Polling services,~~  
 986 ~~research services, costs for campaign staff, professional~~  
 987 ~~consulting services, and telephone calls are not contributions~~  
 988 ~~to be counted toward the contribution limits of paragraph (a).~~



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989 ~~Any item not expressly identified in this paragraph as~~  
990 ~~nonallocable is a contribution in an amount equal to the fair~~  
991 ~~market value of the item and must be counted as allocable toward~~  
992 ~~the \$50,000 contribution limits of paragraph (a). Nonallocable,~~  
993 ~~in-kind contributions must be reported by the candidate under s.~~  
994 ~~106.07 and by the political party under s. 106.29.~~

995 (4)~~(3)~~(a) Any contribution received by a candidate with  
996 opposition in an election or by the campaign treasurer or a  
997 deputy campaign treasurer of such a candidate on the day of that  
998 election or less than 5 days prior to the day of that election  
999 must be returned by him or her to the person or committee  
1000 contributing it and may not be used or expended by or on behalf  
1001 of the candidate.

1002 (b) Except as otherwise provided in paragraph (c), any  
1003 contribution received by a candidate or by the campaign  
1004 treasurer or a deputy campaign treasurer of a candidate after  
1005 the date at which the candidate withdraws his or her candidacy,  
1006 or after the date the candidate is defeated, becomes unopposed,  
1007 or is elected to office must be returned to the person or  
1008 committee contributing it and may not be used or expended by or  
1009 on behalf of the candidate.

1010 (c) With respect to any campaign for an office in which an  
1011 independent or minor party candidate has filed as required in s.  
1012 99.0955 or s. 99.096, but whose qualification is pending a  
1013 determination by the Department of State or supervisor of  
1014 elections as to whether or not the required number of petition  
1015 signatures was obtained:

1016 1. The department or supervisor shall, no later than 3  
1017 days after that determination has been made, notify in writing  
1018 all other candidates for that office of that determination.



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1019           2. Any contribution received by a candidate or the  
 1020 campaign treasurer or deputy campaign treasurer of a candidate  
 1021 after the candidate has been notified in writing by the  
 1022 department or supervisor that he or she has become unopposed as  
 1023 a result of an independent or minor party candidate failing to  
 1024 obtain the required number of petition signatures shall be  
 1025 returned to the person, political committee, or committee of  
 1026 continuous existence contributing it and shall not be used or  
 1027 expended by or on behalf of the candidate.

1028           (5)~~(4)~~ Any contribution received by the chair, campaign  
 1029 treasurer, or deputy campaign treasurer of a political committee  
 1030 supporting or opposing a candidate with opposition in an  
 1031 election or supporting or opposing an issue on the ballot in an  
 1032 election on the day of that election or less than 5 days prior  
 1033 to the day of that election may not be obligated or expended by  
 1034 the committee until after the date of the election.

1035           (6)~~(5)~~(a) A person may not make any contribution through  
 1036 or in the name of another, directly or indirectly, in any  
 1037 election.

1038           (b) Candidates, political committees, and political  
 1039 parties may not solicit contributions from any religious,  
 1040 charitable, civic, or other causes or organizations established  
 1041 primarily for the public good.

1042           (c) Candidates, political committees, and political  
 1043 parties may not make contributions, in exchange for political  
 1044 support, to any religious, charitable, civic, or other cause or  
 1045 organization established primarily for the public good. It is  
 1046 not a violation of this paragraph for:



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1047 1. A candidate, political committee, or political party  
 1048 executive committee to make gifts of money in lieu of flowers in  
 1049 memory of a deceased person;

1050 2. A candidate to continue membership in, or make regular  
 1051 donations from personal or business funds to, religious,  
 1052 political party, civic, or charitable groups of which the  
 1053 candidate is a member or to which the candidate has been a  
 1054 regular donor for more than 6 months; or

1055 3. A candidate to purchase, with campaign funds, tickets,  
 1056 admission to events, or advertisements from religious, civic,  
 1057 political party, or charitable groups.

1058 (7)~~(6)~~ A political party may not accept any contribution  
 1059 which has been specifically designated for the partial or  
 1060 exclusive use of a particular candidate. Any contribution so  
 1061 designated must be returned to the contributor and may not be  
 1062 used or expended by or on behalf of the candidate.

1063 (8)~~(7)~~(a) Any person who knowingly and willfully makes no  
 1064 more than one contribution in violation of subsection (1),  
 1065 subsection (2), or subsection (6) ~~(5)~~, or any person who  
 1066 knowingly and willfully fails or refuses to return any  
 1067 contribution as required in subsection (4) ~~(3)~~, commits a  
 1068 misdemeanor of the first degree, punishable as provided in s.  
 1069 775.082 or s. 775.083. If any corporation, partnership, or other  
 1070 business entity or any political party, political committee, or  
 1071 committee of continuous existence is convicted of knowingly and  
 1072 willfully violating any provision punishable under this  
 1073 paragraph, it shall be fined not less than \$1,000 and not more  
 1074 than \$10,000. If it is a domestic entity, it may be ordered  
 1075 dissolved by a court of competent jurisdiction; if it is a  
 1076 foreign or nonresident business entity, its right to do business



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1077 in this state may be forfeited. Any officer, partner, agent,  
 1078 attorney, or other representative of a corporation, partnership,  
 1079 or other business entity or of a political party, political  
 1080 committee, or committee of continuous existence who aids, abets,  
 1081 advises, or participates in a violation of any provision  
 1082 punishable under this paragraph commits a misdemeanor of the  
 1083 first degree, punishable as provided in s. 775.082 or s.  
 1084 775.083.

1085 (b) Any person who knowingly and willfully makes two or  
 1086 more contributions in violation of subsection (1), subsection  
 1087 (2), or subsection (6) ~~(5)~~ commits a felony of the third degree,  
 1088 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1089 If any corporation, partnership, or other business entity or any  
 1090 political party, political committee, or committee of continuous  
 1091 existence is convicted of knowingly and willfully violating any  
 1092 provision punishable under this paragraph, it shall be fined not  
 1093 less than \$10,000 and not more than \$50,000. If it is a domestic  
 1094 entity, it may be ordered dissolved by a court of competent  
 1095 jurisdiction; if it is a foreign or nonresident business entity,  
 1096 its right to do business in this state may be forfeited. Any  
 1097 officer, partner, agent, attorney, or other representative of a  
 1098 corporation, partnership, or other business entity, or of a  
 1099 political committee, committee of continuous existence, or  
 1100 political party who aids, abets, advises, or participates in a  
 1101 violation of any provision punishable under this paragraph  
 1102 commits a felony of the third degree, punishable as provided in  
 1103 s. 775.082, s. 775.083, or s. 775.084.

1104 (9) ~~(8)~~ Except when otherwise provided in subsection (8)  
 1105 ~~(7)~~, any person who knowingly and willfully violates any  
 1106 provision of this section shall, in addition to any other



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1107 penalty prescribed by this chapter, pay to the state a sum equal  
 1108 to twice the amount contributed in violation of this chapter.  
 1109 Each campaign treasurer shall pay all amounts contributed in  
 1110 violation of this section to the state for deposit in the  
 1111 General Revenue Fund.

1112 (10)~~(9)~~ This section does not apply to the transfer of  
 1113 funds between a primary campaign depository and a savings  
 1114 account or certificate of deposit or to any interest earned on  
 1115 such account or certificate.

1116 Section 5. Section 106.087, Florida Statutes, is amended  
 1117 to read:

1118 106.087 Independent expenditures; contribution limits;  
 1119 restrictions on political parties,~~political committees, and~~  
 1120 ~~committees of continuous existence.--~~

1121 (1)~~(a)~~ As a condition of receiving a rebate of filing fees  
 1122 and party assessment funds pursuant to s. 99.061(2), s.  
 1123 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or  
 1124 treasurer of a state or county executive committee shall take  
 1125 and subscribe to an oath or affirmation in writing. During the  
 1126 qualifying period for state candidates and prior to distribution  
 1127 of such funds, a printed copy of the oath or affirmation shall  
 1128 be filed with the Secretary of State and shall be substantially  
 1129 in the following form:

1130  
 1131 State of Florida  
 1132 County of \_\_\_\_\_

1133 Before me, an officer authorized to administer oaths,  
 1134 personally appeared ... (name) ..., to me well known, who,  
 1135 being sworn, says that he or she is the ... (title) ... of the  
 1136 ... (name of party) ... (state or specified county) ...



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1137 executive committee; that the executive committee has not made,  
 1138 either directly or indirectly, an independent expenditure in  
 1139 support of or opposition to a candidate or elected public  
 1140 official in the prior 6 months; that the executive committee  
 1141 will not make, either directly or indirectly, an independent  
 1142 expenditure in support of or opposition to a candidate or  
 1143 elected public official, through and including the upcoming  
 1144 general election; and that the executive committee will not  
 1145 violate the contribution limits applicable to candidates under  
 1146 s. 106.08 (3) ~~(2)~~, Florida Statutes.

1147 ... (Signature of committee officer) ...

1148 ... (Address) ...

1149  
 1150 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, ...  
 1151 (year) ..., at \_\_\_\_\_ County, Florida.

1152 ... (Signature and title of officer administering oath) ...

1154 (2) ~~(b)~~ Any executive committee found to have violated the  
 1155 provisions of the oath or affirmation in this section prior to  
 1156 receiving funds shall be ineligible to receive the rebate for  
 1157 that general election year.

1158 (3) ~~(e)~~ Any executive committee found to have violated the  
 1159 provisions of the oath or affirmation in this section after  
 1160 receiving funds shall be ineligible to receive the rebate from  
 1161 candidates qualifying for the following general election cycle.

1162 (4) ~~(d)~~ Any funds not distributed to the state or county  
 1163 executive committee pursuant to this section shall be deposited  
 1164 into the General Revenue Fund of the state.

1165 ~~(2) (a) Any political committee or committee of continuous~~  
 1166 ~~existence that accepts the use of public funds, equipment,~~



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1167 ~~personnel, or other resources to collect dues from its members~~  
 1168 ~~agrees not to make independent expenditures in support of or~~  
 1169 ~~opposition to a candidate or elected public official. However,~~  
 1170 ~~expenditures may be made for the sole purpose of jointly~~  
 1171 ~~endorsing three or more candidates.~~

1172 ~~(b) Any political committee or committee of continuous~~  
 1173 ~~existence that violates this subsection is liable for a civil~~  
 1174 ~~fine of up to \$5,000 to be determined by the Florida Elections~~  
 1175 ~~Commission or the entire amount of the expenditures, whichever~~  
 1176 ~~is greater.~~

1177 Section 6. For the purpose of incorporating the amendments  
 1178 to sections 106.08 and 106.265, Florida Statutes, in references  
 1179 thereto, section 106.19, Florida Statutes, is reenacted to read:

1180 106.19 Violations by candidates, persons connected with  
 1181 campaigns, and political committees.--

1182 (1) Any candidate; campaign manager, campaign treasurer,  
 1183 or deputy treasurer of any candidate; committee chair, vice  
 1184 chair, campaign treasurer, deputy treasurer, or other officer of  
 1185 any political committee; agent or person acting on behalf of any  
 1186 candidate or political committee; or other person who knowingly  
 1187 and willfully:

1188 (a) Accepts a contribution in excess of the limits  
 1189 prescribed by s. 106.08;

1190 (b) Fails to report any contribution required to be  
 1191 reported by this chapter;

1192 (c) Falsely reports or deliberately fails to include any  
 1193 information required by this chapter; or

1194 (d) Makes or authorizes any expenditure in violation of s.  
 1195 106.11(4) or any other expenditure prohibited by this chapter;

1196





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1197 is guilty of a misdemeanor of the first degree, punishable as  
 1198 provided in s. 775.082 or s. 775.083.

1199 (2) Any candidate, campaign treasurer, or deputy  
 1200 treasurer; any chair, vice chair, or other officer of any  
 1201 political committee; any agent or person acting on behalf of any  
 1202 candidate or political committee; or any other person who  
 1203 violates paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d)  
 1204 shall be subject to a civil penalty equal to three times the  
 1205 amount involved in the illegal act. Such penalty may be in  
 1206 addition to the penalties provided by subsection (1) and shall  
 1207 be paid into the General Revenue Fund of this state.

1208 (3) A political committee sponsoring a constitutional  
 1209 amendment proposed by initiative which submits a petition form  
 1210 gathered by a paid petition circulator which does not provide  
 1211 the name and address of the paid petition circulator on the form  
 1212 is subject to the civil penalties prescribed in s. 106.265.

1213 Section 7. Subsection (6) of section 106.29, Florida  
 1214 Statutes, is amended to read:

1215 106.29 Reports by political parties; restrictions on  
 1216 contributions and expenditures; penalties.--

1217 (6)(a) The national, state, and county executive  
 1218 committees of a political party, including any subordinate  
 1219 committee of a national, state, or county executive committee of  
 1220 a political party, may not contribute to any candidate any  
 1221 amount in excess of the limits contained in s. 106.08(3)(2), ~~and~~  
 1222 ~~all contributions required to be reported under s. 106.08(2) by~~  
 1223 ~~the national executive committee of a political party shall be~~  
 1224 ~~reported by the state executive committee of that political~~  
 1225 ~~party.~~



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1226 (b) A violation of the contribution limits contained in s.  
 1227 106.08 (3) ~~(2)~~ is a misdemeanor of the first degree, punishable as  
 1228 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
 1229 three times the amount in excess of the limits contained in s.  
 1230 106.08 (3) ~~(2)~~ shall be assessed against any executive committee  
 1231 found in violation thereof.

1232 Section 8. Sections 106.30, 106.31, 106.32, 106.33,  
 1233 106.34, 106.35, 106.353, 106.355, and 106.36, Florida Statutes,  
 1234 are repealed.

1235 Section 9. Paragraph (b) of subsection (1) of section  
 1236 106.07, Florida Statutes, is amended to read:

1237 106.07 Reports; certification and filing.--

1238 (1) Each campaign treasurer designated by a candidate or  
 1239 political committee pursuant to s. 106.021 shall file regular  
 1240 reports of all contributions received, and all expenditures  
 1241 made, by or on behalf of such candidate or political committee.  
 1242 Reports shall be filed on the 10th day following the end of each  
 1243 calendar quarter from the time the campaign treasurer is  
 1244 appointed, except that, if the 10th day following the end of a  
 1245 calendar quarter occurs on a Saturday, Sunday, or legal holiday,  
 1246 the report shall be filed on the next following day which is not  
 1247 a Saturday, Sunday, or legal holiday. Quarterly reports shall  
 1248 include all contributions received and expenditures made during  
 1249 the calendar quarter which have not otherwise been reported  
 1250 pursuant to this section.

1251 (b) Following the last day of qualifying for office, any  
 1252 statewide or legislative candidate who has requested to receive  
 1253 contributions from the Clean Money ~~Election Campaign Financing~~  
 1254 Trust Fund or any statewide or legislative candidate in a race  
 1255 with a candidate who has requested to receive contributions from



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1256 the trust fund shall file reports on the 4th, 11th, 18th, 25th,  
 1257 and 32nd days prior to the first primary and general elections,  
 1258 and on the 4th, 11th, 18th, and 25th days prior to the second  
 1259 primary.

1260 Section 10. Subsection (4) of section 106.141, Florida  
 1261 Statutes, is amended to read:

1262 106.141 Disposition of surplus funds by candidates.--

1263 (4) (a) Except as provided in paragraph (b), any candidate  
 1264 required to dispose of funds pursuant to this section shall, at  
 1265 the option of the candidate, dispose of such funds by any of the  
 1266 following means, or any combination thereof:

1267 1. Return pro rata to each contributor the funds that have  
 1268 not been spent or obligated.

1269 2. Donate the funds that have not been spent or obligated  
 1270 to a charitable organization or organizations that meet the  
 1271 qualifications of s. 501(c) (3) of the Internal Revenue Code.

1272 3. Give not more than \$10,000 of the funds that have not  
 1273 been spent or obligated to the political party of which such  
 1274 candidate is a member.

1275 4. Give the funds that have not been spent or obligated:

1276 a. In the case of a candidate for state office, to the  
 1277 state, to be deposited in either the Clean Money Election  
 1278 ~~Campaign Financing~~ Trust Fund or the General Revenue Fund, as  
 1279 designated by the candidate; or

1280 b. In the case of a candidate for an office of a political  
 1281 subdivision, to such political subdivision, to be deposited in  
 1282 the general fund thereof.

1283 (b) Any candidate required to dispose of funds pursuant to  
 1284 this section who has received contributions from the Clean Money  
 1285 ~~Election Campaign Financing~~ Trust Fund shall return all surplus



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1286 campaign funds to the Clean Money ~~Election Campaign Financing~~  
 1287 Trust Fund.

1288 Section 11. Subsection (6) of section 106.22, Florida  
 1289 Statutes, is amended to read:

1290 106.22 Duties of the Division of Elections.--It is the  
 1291 duty of the Division of Elections to:

1292 (6) Make, from time to time, audits and field  
 1293 investigations with respect to reports and statements filed  
 1294 under the provisions of this chapter and with respect to alleged  
 1295 failures to file any report or statement required under the  
 1296 provisions of this chapter. The division shall conduct a  
 1297 postelection audit of the campaign accounts of all candidates  
 1298 receiving contributions from the Clean Money ~~Election Campaign~~  
 1299 ~~Financing~~ Trust Fund.

1300 Section 12. Subsections (3) and (4) of section 106.265,  
 1301 Florida Statutes, are amended to read:

1302 106.265 Civil penalties.--

1303 (3) (a) Any civil penalty collected pursuant to the  
 1304 provisions of this section shall be deposited into the Clean  
 1305 Money ~~Election Campaign Financing~~ Trust Fund.

1306 (b) ~~(4)~~ Notwithstanding any other provisions of this  
 1307 chapter, any fine assessed pursuant to the provisions of this  
 1308 chapter, which fine is designated to be deposited or which would  
 1309 otherwise be deposited into the General Revenue Fund of the  
 1310 state, shall be deposited into the Clean Money ~~Election Campaign~~  
 1311 ~~Financing~~ Trust Fund.

1312 (c) A 10-percent surcharge shall be assessed against each  
 1313 civil fine required to be deposited into the Clean Money Trust  
 1314 Fund, and the funds from the surcharge shall also be deposited  
 1315 into the Clean Money Trust Fund.



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1316 Section 13. Subsection (13) of section 199.052, Florida  
 1317 Statutes, is amended to read:

1318 199.052 Annual tax returns; payment of annual tax.--

1319 (13) The annual intangible tax return shall include  
 1320 language permitting a voluntary contribution of \$5 per taxpayer,  
 1321 which contribution shall be transferred into the Clean Money  
 1322 ~~Election Campaign Financing~~ Trust Fund. A statement providing an  
 1323 explanation of the purpose of the trust fund shall also be  
 1324 included.

1325 Section 14. Subsection (13) of section 320.02, Florida  
 1326 Statutes, is amended to read:

1327 320.02 Registration required; application for  
 1328 registration; forms.--

1329 (13) The application form for motor vehicle registration  
 1330 shall include language permitting a voluntary contribution of \$5  
 1331 per applicant, which contribution shall be transferred into the  
 1332 Clean Money ~~Election Campaign Financing~~ Trust Fund. A statement  
 1333 providing an explanation of the purpose of the trust fund shall  
 1334 also be included.

1335 Section 15. Paragraph (a) of subsection (6) of section  
 1336 322.08, Florida Statutes, is amended to read:

1337 322.08 Application for license.--

1338 (6) The application form for a driver's license or  
 1339 duplicate thereof shall include language permitting the  
 1340 following:

1341 (a) A voluntary contribution of \$5 per applicant, which  
 1342 contribution shall be transferred into the Clean Money ~~Election~~  
 1343 ~~Campaign Financing~~ Trust Fund.

1344



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1345 A statement providing an explanation of the purpose of the trust  
 1346 funds shall also be included.

1347 Section 16. Subsection (11) of section 328.72, Florida  
 1348 Statutes, is amended to read:

1349 328.72 Classification; registration; fees and charges;  
 1350 surcharge; disposition of fees; fines; marine turtle stickers.--

1351 (11) VOLUNTARY CONTRIBUTIONS.--The application form for  
 1352 boat registration shall include a provision to allow each  
 1353 applicant to indicate a desire to pay an additional voluntary  
 1354 contribution to the Save the Manatee Trust Fund to be used for  
 1355 the purposes specified in s. 370.12(4). This contribution shall  
 1356 be in addition to all other fees and charges. The amount of the  
 1357 request for a voluntary contribution solicited shall be \$2 or \$5  
 1358 per registrant. A registrant who provides a voluntary  
 1359 contribution of \$5 or more shall be given a sticker or emblem by  
 1360 the tax collector to display, which signifies support for the  
 1361 Save the Manatee Trust Fund. All voluntary contributions shall  
 1362 be deposited in the Save the Manatee Trust Fund and shall be  
 1363 used for the purposes specified in s. 370.12(4). The form shall  
 1364 also include language permitting a voluntary contribution of \$5  
 1365 per applicant, which contribution shall be transferred into the  
 1366 Clean Money Election Campaign Financing Trust Fund. A statement  
 1367 providing an explanation of the purpose of the trust fund shall  
 1368 also be included.

1369 Section 17. Subsection (1) of section 607.1622, Florida  
 1370 Statutes, is amended to read:

1371 607.1622 Annual report for Department of State.--

1372 (1) Each domestic corporation and each foreign corporation  
 1373 authorized to transact business in this state shall deliver to



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1374 the Department of State for filing a sworn annual report on such  
 1375 forms as the Department of State prescribes that sets forth:

1376 (a) The name of the corporation and the state or country  
 1377 under the law of which it is incorporated;

1378 (b) The date of incorporation or, if a foreign  
 1379 corporation, the date on which it was admitted to do business in  
 1380 this state;

1381 (c) The address of its principal office and the mailing  
 1382 address of the corporation;

1383 (d) The corporation's federal employer identification  
 1384 number, if any, or, if none, whether one has been applied for;

1385 (e) The names and business street addresses of its  
 1386 directors and principal officers;

1387 (f) The street address of its registered office and the  
 1388 name of its registered agent at that office in this state;

1389 (g) Whether the corporation has liability for intangible  
 1390 taxes under s. 199.032. The Department of State shall annually  
 1391 prepare a list of those corporations that have indicated no  
 1392 intangible tax liability, and provide such list to the  
 1393 Department of Revenue;

1394 (h) Language permitting a voluntary contribution of \$5 per  
 1395 taxpayer, which contribution shall be transferred into the Clean  
 1396 Money Election Campaign Financing Trust Fund. A statement  
 1397 providing an explanation of the purpose of the trust fund shall  
 1398 also be included; and

1399 (i) Such additional information as may be necessary or  
 1400 appropriate to enable the Department of State to carry out the  
 1401 provisions of this act.

1402 Section 18. For the purpose of incorporating the amendment  
 1403 to section 106.265, Florida Statutes, in a reference thereto,



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1404 subsection (8) of section 106.143, Florida Statutes, is  
 1405 reenacted to read:

1406 106.143 Political advertisements circulated prior to  
 1407 election; requirements.--

1408 (8) Any person who willfully violates any provision of  
 1409 this section is subject to the civil penalties prescribed in s.  
 1410 106.265.

1411 Section 19. For the purpose of incorporating the amendment  
 1412 to section 106.265, Florida Statutes, in a reference thereto,  
 1413 subsection (2) of section 106.144, Florida Statutes, is  
 1414 reenacted to read:

1415 106.144 Endorsements or opposition by certain groups and  
 1416 organizations.--

1417 (2) Any officer, director, or other person acting on  
 1418 behalf of an organization who willfully violates the provisions  
 1419 of subsection (1) is subject to the civil penalties prescribed  
 1420 in s. 106.265.

1421 Section 20. If any provision of this act or the  
 1422 application thereof to any person or circumstance is held  
 1423 invalid, the invalidity shall not affect other provisions or  
 1424 applications of the act which can be given effect without the  
 1425 invalid provision or application, and to this end the provisions  
 1426 of this act are declared severable.

1427 Section 21. This act shall take effect July 1, 2003, if  
 1428 House Bill \_\_\_ or similar legislation creating the Clean Money  
 1429 Trust Fund is adopted in the same legislative session or an  
 1430 extension thereof and becomes law.