

By Senator Wilson

33-887-04

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

1 debates for specified elections; providing  
2 limitations on mailing privileges of certain  
3 public officials; providing revenue sources for  
4 the Clean-Money Trust Fund; providing for the  
5 administration and dispersal of clean money  
6 funds; providing limits on political party  
7 contributions and expenditures; amending s.  
8 106.011, F.S.; redefining the term "political  
9 advertisement"; amending s. 106.021, F.S.;  
10 eliminating authorization for unrestricted  
11 expenditures by political committees and  
12 political parties to jointly endorse three or  
13 more candidates; amending s. 106.08, F.S.;  
14 providing limits on contributions to political  
15 parties; revising limits on contributions to  
16 candidates by political parties; providing  
17 penalties; amending s. 106.087, F.S.;  
18 eliminating a restriction on independent  
19 expenditures by certain political committees  
20 and committees of continuous existence;  
21 conforming a cross-reference; reenacting s.  
22 106.19(1) and (3), F.S., relating to penalties,  
23 to incorporate the amendments to ss. 106.08 and  
24 106.265, F.S., in references thereto; amending  
25 s. 106.29, F.S.; revising reporting requirements  
26 of political parties; conforming  
27 cross-references; repealing ss. 106.30-106.36,  
28 F.S., the "Florida Election Campaign Financing  
29 Act," to conform; amending ss. 106.07, 106.141,  
30 106.22, 106.265, 320.02, 322.08, 328.72,  
31 607.1622, F.S.; revising references and

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

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Sections 106.401 through 106.425, Florida  
18 Statutes, are created to read:

19 106.401 Short title.--Sections 106.401-106.426 may be  
20 cited as the "Florida Clean Elections Act."

21 106.402 Findings and declarations.--

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

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

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

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

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

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

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

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

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

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

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

29       (a) It would help eliminate the deleterious influence  
30 of large contributions on the political process, remove access  
31 to wealth as a major determinant of a person's influence

1 within the political process, and restore meaning to the  
2 principle of "one person, one vote."

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

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

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

14 (e) It would diminish the public perception of  
15 corruption and strengthen public confidence in the democratic  
16 process and democratic institutions.

17 (f) It would halt and reverse the escalating cost of  
18 elections.

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

23 (h) It would facilitate communication with the  
24 electorate by candidates, regardless of their access to large  
25 sums of campaign money.

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

29 (3) The Legislature further finds and declares that  
30 the unique factual circumstances in this state require that  
31 ss. 106.401-106.426 be enacted to promote the compelling state

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

9 106.403 Definitions.--As used in ss. 106.401-106.426,  
10 the term:

11 (1) "Allowable contribution" means a qualifying  
12 contribution or a seed-money contribution.

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

24 (3) "Commission" means the Florida Elections  
25 Commission.

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

27 (5) "Division" means the Division of Elections of the  
28 Department of State.

29 (6) "Excess expenditure amount" means the amount of  
30 money spent or obligated to be spent by a nonparticipating  
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1 candidate in excess of the clean-money amount available to a  
2 participating candidate running for the same office.

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

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

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

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

18 (11) "Mass mailing" means any mailing of 200 or more  
19 identical or substantively identical pieces of mail sent by a  
20 candidate for statewide or legislative office or an elected  
21 official holding a statewide or legislative office to the  
22 voters, residents, or postal boxholders within the territorial  
23 jurisdiction of the office sought by such candidate or held by  
24 such official. Such mailings, consisting of substantively  
25 identical letters, newsletters, pamphlets, brochures, or other  
26 written material, are distinct from mailings made in direct  
27 response to communications from persons or groups to whom the  
28 matter is mailed; mailings to federal, state, or local  
29 government officials; and news releases to the communications  
30 media, all of which are exempt from this definition.

31

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

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

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

16           (15) "Qualifying contribution" means a contribution of  
17 \$5 that is received during the applicable clean-money  
18 qualifying period by a candidate seeking to become eligible  
19 for clean-money campaign funding and that is acknowledged by a  
20 written receipt identifying the contributor. Contributors  
21 must be registered voters who reside within the territorial  
22 jurisdiction of the office and who are therefore eligible to  
23 vote for that candidate. Qualifying contributions must be made  
24 in cash or by check or money order; must be accompanied by a  
25 receipt fully identifying the contributor, which includes a  
26 signed statement indicating that he or she fully understands  
27 the purpose of the contribution and that the contribution is  
28 made without coercion or reimbursement; and must be turned  
29 over to the division for deposit in the Clean-Money Trust  
30 Fund. Qualifying contributions must be gathered by the  
31



1 candidates themselves or by volunteers who receive no  
2 compensation.

3 (16) "Second primary election campaign period" means  
4 the period beginning the day after the first primary election  
5 and ending on the day of the second primary election.

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

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

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

28 106.404 Eligibility for clean-money campaign funding  
29 for party candidates.--

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

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

12           (b) Meets the following qualifying contribution  
13 requirements before the close of the clean-money qualifying  
14 period:

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

17           a. For a candidate running for the office of state  
18 representative, 500.

19           b. For a candidate running for the office of state  
20 senator, 1,500.

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

22           d. For a candidate running for the office of Governor,  
23 20,000.

24           2. Each qualifying contribution must be:

25           a. Acknowledged by a receipt to the contributor with a  
26 copy to be kept by the candidate and a copy to be submitted to  
27 the division. The receipt shall indicate, by the  
28 contributor's signature, that the contributor understands that  
29 the purpose of the contribution is to help the candidate  
30 qualify for clean-money campaign funding and that he or she is  
31 currently registered to vote in the territorial jurisdiction

1 of the office sought by the candidate. The receipt must  
2 include the contributor's signature, printed name, home  
3 address, and telephone number and the name of the candidate on  
4 whose behalf the contribution is made.

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

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

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

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

23 106.405 Eligibility for clean-money campaign funding  
24 for independent candidates.--

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

28 (a) Files a declaration with the division that he or  
29 she has complied and will continue to comply with the  
30 requirements of ss. 106.401-106.426, especially the  
31 requirement that during the seed-money period and the

1 clean-money qualifying period the candidate not accept or  
2 spend private contributions from any source other than  
3 seed-money contributions and qualifying contributions unless  
4 the provisions of s. 106.406 apply; and

5 (b) Meets the following qualifying contribution  
6 requirements before the close of the clean-money qualifying  
7 period:

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

11 2. Each qualifying contribution must be:

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

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

29 (2) An independent candidate qualifies as a  
30 participating candidate for the general election campaign  
31 period if:

1           (a) Before the first and second primary election, he  
2 or she has met all of the applicable requirements of ss.  
3 106.401-106.426 and filed a declaration with the division that  
4 he or she has fulfilled and will continue to fulfill the  
5 requirements of a participating candidate as stated in ss.  
6 106.401-106.426; and

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

11           106.406 Transitional requirements for current election  
12 cycle.--During the election cycle in effect on July 1, 2004, a  
13 candidate may be certified as a participating candidate,  
14 notwithstanding the acceptance of contributions or the making  
15 of expenditures from private funds before July 1, 2004, which  
16 would otherwise disqualify the candidate as a participating  
17 candidate, if all private funds accepted but not expended  
18 before July 1, 2004, are either returned to the contributors  
19 or submitted to the division for deposit in the Clean-Money  
20 Trust Fund.

21           106.407 Continuing obligation to comply.--A  
22 participating candidate who accepts any benefits during the  
23 first and second primary election campaign periods must comply  
24 with all requirements of ss. 106.401-106.426 through the  
25 general election campaign period whether or not he or she  
26 continues to accept benefits, unless the candidate either  
27 loses in one of the primary elections or withdraws his or her  
28 candidacy and subsequently is selected as a candidate for  
29 Lieutenant Governor with a nonparticipating candidate for  
30 Governor.

31

1           106.408 Contributions and expenditures; limitations  
2 and reporting.--

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

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

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

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

27           106.409 Use of personal funds.--

28           (1) Personal funds contributed as seed money by a  
29 candidate seeking to become eligible as a participating  
30 candidate or by adult members of his or her immediate family  
31

1 may not exceed the maximum of \$100 in the aggregate per  
2 contributor.

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

10 106.410 Seed-money contributions.--

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

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

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

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

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

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

29 (3) Receipts for seed-money contributions under \$25  
30 must include the contributor's signature, printed name, and  
31 address. Receipts for seed-money contributions of \$25 or more

1 must include the contributor's signature, printed name, street  
2 address and zip code, telephone number, occupation, and name  
3 of employer. Contributions may not be accepted if the  
4 required disclosure information is not provided.

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

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

15 106.411 Participation in debates.--

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

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

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

28 106.412 Certification of eligibility.--

29 (1) No more than 5 days after a candidate applies for  
30 clean-money benefits, the division shall certify or fail to  
31 certify the candidate as eligible. Eligibility may be revoked



1 if the candidate violates any of the requirements of ss.  
2 106.401-106.426, in which case all clean-money funds received  
3 by the candidate must be repaid.

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

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

10 106.413 Benefits provided to candidates eligible to  
11 receive clean money.--

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

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

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

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

28 (d) Receive additional clean-money funding to match  
29 any independent expenditure made in opposition to their  
30 candidacies or on behalf of their opponents' candidacies, as  
31 specified in s. 106.418.

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

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

12           106.414 Schedule of clean-money payments.--

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

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

27           (2)(a) An eligible independent candidate shall receive  
28 his or her clean-money funding for the first or second primary  
29 election campaign period on the date on which the division  
30 certifies the candidate as a participating candidate. This  
31 certification shall take place no later than 5 days after the

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

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

10 106.415 Determination of clean-money amounts.--

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

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

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

18 3. For a candidate running for Cabinet office,  
19 \$700,000.

20 4. For a candidate running for the office of Governor,  
21 \$2 million.

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

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

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

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

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

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

7           4. For a candidate running for the office of Governor,  
8 \$5 million.

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

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

16           (3) After the first cycle of elections subject to ss.  
17 106.401-106.426, the division shall adjust the clean-money  
18 amounts authorized under this section based on the rate of  
19 inflation or the cost-of-living index.

20           106.416 Expenditures made with clean-money funds.--

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

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

29           106.417 Disclosure of excess spending by  
30 nonparticipating candidates.--

31

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

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

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

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

22           106.418 Disclosure of and additional clean money to  
23 respond to independent expenditures.--

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

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

29           1. By a person in cooperation, consultation, or  
30 concert with, at the request or suggestion of, or pursuant to  
31 a particular understanding with a candidate, a candidate's

1 campaign committee, or an agent acting on behalf of a  
2 candidate or a candidate's campaign committee;

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

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

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

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

25 6. By a person if the person making the payment  
26  retains the professional services of an individual or person  
27  who, in a nonministerial capacity, has provided or is  
28  providing campaign-related services in the same election cycle  
29  to a candidate who is pursuing the same nomination or election  
30  as any of the candidates to whom the communication refers.

31

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

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

28           **(d) "Professional services" includes services in**  
29 **support of a candidate's pursuit of nomination for election or**  
30 **election to statewide or legislative office, such as polling,**  
31 **media advice, direct mail, fundraising, or campaign research.**

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

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

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

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



1 expenditure exceeds the amount of clean-money funding received  
2 by the participating candidate.

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

9 106.419 Disclosure of, and additional clean money to  
10 respond to issue advertisements.--

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

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

28 (3) Upon receiving a report under this section that an  
29 issue advertisement has been made or is obligated to be made,  
30 and upon determination that the advertisement can reasonably  
31 be interpreted as having the effect of promoting the defeat of

1 a participating candidate or the election of that candidate's  
2 opponent, the division shall immediately authorize the release  
3 to that candidate of additional clean-money funding, equal in  
4 amount to the cost of the issue advertisement, subject to the  
5 limit set forth in s. 106.413(2).

6 106.420 Voter Information Commission.--

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

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

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

24 (4) The Voter Information Commission shall evaluate,  
25 or delegate the evaluation of, the veracity of a candidate's  
26 own political advertisements submitted by participating  
27 candidates to determine whether each advertisement meets the  
28 standards of "Truth in Campaigning" as established by the  
29 Voter Information Commission and the division and reviewed  
30 biennially before the filing date for candidates in each  
31 general election year. Upon determination of qualification

1 for an advertisement, the Voter Information Commission shall  
2 immediately notify the candidate and the division that the  
3 advertisement meets the established standards of "Truth in  
4 Campaigning."

5 106.421 Broadcast debates.--

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

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

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

20 106.422 Limit on use of public official mailing  
21 privileges.--

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

30 (2) The normal privileges for elected officials  
31 holding a statewide or legislative office shall remain

1 applicable to mailings not covered under the definition of  
2 mass mailing in s. 106.403.

3 106.423 Revenue sources for the Clean-Money Trust  
4 Fund.--

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

10 (2) Other sources of revenue to be deposited in the  
11 Clean-Money Trust Fund include:

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

17 (b) The excess seed-money contributions of candidates  
18 seeking to become certified as participating candidates.

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

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

29 (e) Voluntary donations made directly to the trust  
30 fund.

31

1           (f) Funds from the surcharge on civil penalties levied  
2 under s. 106.265(3).

3           (g) Any interest generated by the trust fund.

4           (h) Any other sources of revenue authorized by law.

5           106.424 Administration and disbursement of clean money.--

6           (1) Upon determining that a candidate has met all the  
7 requirements for becoming a participating candidate as  
8 provided in ss. 106.401-106.426, the division shall authorize  
9 the issuance to the candidate of a clean-money debit card and  
10 a line of debit entitling the candidates and members of the  
11 candidate's staff to draw clean-money funds from a state  
12 account to pay for all campaign costs and expenses up to the  
13 amount of clean-money funding the candidate has been  
14 authorized.

15           (2) Neither a participating candidate nor any other  
16 person on behalf of a participating candidate shall pay  
17 campaign costs by cash, check, money order, loan, or any other  
18 financial means besides the clean-money debit card, except as  
19 otherwise provided in subsection (3).

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

24           (4) Upon determination by the Voter Information  
25 Commission that a candidate's political advertisement  
26 qualifies under the "Truth in Campaigning" standards proposed  
27 by the Voter Information Commission and adopted by the  
28 division, the division shall authorize payment for the  
29 broadcast advertisement, which may be made directly to  
30 broadcast vendors in the candidate's behalf, except that the  
31

1 amount of payments for each candidate in each election may not  
2 exceed an aggregate total of \$5,000.

3 106.425 Political party contributions and  
4 expenditures.--

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

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

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

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

27 106.011 Definitions.--As used in this chapter, the  
28 following terms have the following meanings unless the context  
29 clearly indicates otherwise:

30 (17)(a) "Political advertisement" means a paid  
31 expression in any communications media prescribed in

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

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

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

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

24 3. A paid expression in any communications medium  
25 which mentions or shows a clearly identifiable candidate for  
26 election or reelection and which:

27 a. Advertises a business rather than the candidate, is  
28 paid for out of funds of that business, and is similar to  
29 other advertisements for that business which have mentioned or  
30 shown the candidate and have been distributed on a regular  
31

1 basis over a period of at least 1 year before the qualifying  
2 period for that candidacy; or

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

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

8 106.021 Campaign treasurers; deputies; primary and  
9 secondary depositories.--

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

30 (4) A deputy campaign treasurer may exercise any of  
31 the powers and duties of a campaign treasurer as set forth in



1 | this chapter when specifically authorized to do so by the  
2 | campaign treasurer and the candidate, in the case of a  
3 | candidate, or the campaign treasurer and chair of the  
4 | political committee, in the case of a political committee.

5 |         (5) For purposes of appointing a campaign treasurer  
6 | and designating a campaign depository, candidates for the  
7 | offices of Governor and Lieutenant Governor on the same ticket  
8 | shall be considered a single candidate.

9 |         Section 4. Section 106.08, Florida Statutes, is  
10 | amended to read:

11 |             106.08 Contributions; limitations on.--

12 |             (1)(a) Except for political parties, no person,  
13 | political committee, or committee of continuous existence may,  
14 | in any election, make contributions in excess of \$500 to any  
15 | candidate for election to or retention in office or to any  
16 | political committee supporting or opposing one or more  
17 | candidates. Candidates for the offices of Governor and  
18 | Lieutenant Governor on the same ticket are considered a single  
19 | candidate for the purpose of this section.

20 |             (b)1. The contribution limits provided in this  
21 | subsection do not apply to contributions made by a state or  
22 | county executive committee of a political party regulated by  
23 | chapter 103 or to amounts contributed by a candidate to his or  
24 | her own campaign.

25 |             2. Notwithstanding the limits provided in this  
26 | subsection, an unemancipated child under the age of 18 years  
27 | of age may not make a contribution in excess of \$100 to any  
28 | candidate or to any political committee supporting one or more  
29 | candidates.

30 |             (c) The contribution limits of this subsection apply  
31 | to each election. For purposes of this subsection, the first

1 primary, second primary, and general election are separate  
2 elections so long as the candidate is not an unopposed  
3 candidate as defined in s. 106.011(15). However, for the  
4 purpose of contribution limits with respect to candidates for  
5 retention as a justice or judge, there is only one election,  
6 which is the general election. With respect to candidates in a  
7 circuit holding an election for circuit judge or in a county  
8 holding an election for county court judge, there are only two  
9 elections, which are the first primary election and general  
10 election.

11 (2) A person, political committee, or committee of  
12 continuous existence may not make contributions to the state  
13 and county executive committees of a political party,  
14 including any subordinate committee of a state or county  
15 executive committee of a political party, which contributions,  
16 including in-kind contributions, in the aggregate in any  
17 calendar year exceed \$5,000.

18 (3)(2)(a) Except as otherwise provided in s. 106.425,  
19 a candidate for an office other than a statewide office may  
20 not accept contributions from national, state, including any  
21 subordinate committee of a national, state, or county  
22 committee of a political party, and county executive  
23 committees of a political party, including any subordinate  
24 committee of a national, state, or county executive committee  
25 of a political party, which contributions, including in-kind  
26 contributions, in the aggregate exceed \$5,000 in any calendar  
27 year. A candidate for statewide office may not accept  
28 contributions from national, state, or county executive  
29 committees of a political party, including any subordinate  
30 committee of a national, state, or county executive committee  
31 of a political party, which contributions, including in-kind

1 contributions, in the aggregate in any election cycle exceed  
2 \$100,000~~\$50,000, no more than \$25,000 of which may be~~  
3 ~~accepted prior to the 28-day period immediately preceding the~~  
4 ~~date of the general election.~~

5 (b) Except as otherwise provided in s. 106.425,  
6 national, state, and county executive committees of a  
7 political party, including any subordinate committee of a  
8 national, state, or county executive committee of a political  
9 party, may not make contributions to a candidate for other  
10 than statewide office which contributions, including in-kind  
11 contributions, in the aggregate in any calendar year exceed  
12 \$5,000. National, state, and county executive committees of a  
13 political party, including any subordinate committee of a  
14 national, state, or county executive committee of a political  
15 party, may not make contributions to a candidate for statewide  
16 office which contributions, including in-kind contributions,  
17 in the aggregate in any election cycle exceed \$100,000.

18 ~~Polling services, research services, costs for campaign staff,~~  
19 ~~professional consulting services, and telephone calls are not~~  
20 ~~contributions to be counted toward the contribution limits of~~  
21 ~~paragraph (a). Any item not expressly identified in this~~  
22 ~~paragraph as nonallocable is a contribution in an amount equal~~  
23 ~~to the fair market value of the item and must be counted as~~  
24 ~~allocable toward the \$50,000 contribution limits of paragraph~~  
25 ~~(a). Nonallocable, in-kind contributions must be reported by~~  
26 ~~the candidate under s. 106.07 and by the political party under~~  
27 ~~s. 106.29.~~

28 (4)~~(3)~~(a) Any contribution received by a candidate  
29 with opposition in an election or by the campaign treasurer or  
30 a deputy campaign treasurer of such a candidate on the day of  
31 that election or less than 5 days prior to the day of that

1 election must be returned by him or her to the person or  
2 committee contributing it and may not be used or expended by  
3 or on behalf of the candidate.

4 (b) Except as otherwise provided in paragraph (c), any  
5 contribution received by a candidate or by the campaign  
6 treasurer or a deputy campaign treasurer of a candidate after  
7 the date at which the candidate withdraws his or her  
8 candidacy, or after the date the candidate is defeated,  
9 becomes unopposed, or is elected to office must be returned to  
10 the person or committee contributing it and may not be used or  
11 expended by or on behalf of the candidate.

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

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

21 2. Any contribution received by a candidate or the  
22 campaign treasurer or deputy campaign treasurer of a candidate  
23 after the candidate has been notified in writing by the  
24 department or supervisor that he or she has become unopposed  
25 as a result of an independent or minor party candidate failing  
26 to obtain the required number of petition signatures shall be  
27 returned to the person, political committee, or committee of  
28 continuous existence contributing it and shall not be used or  
29 expended by or on behalf of the candidate.

30 (5)~~(4)~~ Any contribution received by the chair,  
31 campaign treasurer, or deputy campaign treasurer of a

1 political committee supporting or opposing a candidate with  
2 opposition in an election or supporting or opposing an issue  
3 on the ballot in an election on the day of that election or  
4 less than 5 days prior to the day of that election may not be  
5 obligated or expended by the committee until after the date of  
6 the election.

7 (6)~~(5)~~(a) A person may not make any contribution  
8 through or in the name of another, directly or indirectly, in  
9 any election.

10 (b) Candidates, political committees, and political  
11 parties may not solicit contributions from any religious,  
12 charitable, civic, or other causes or organizations  
13 established primarily for the public good.

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

19 1. A candidate, political committee, or political  
20 party executive committee to make gifts of money in lieu of  
21 flowers in memory of a deceased person;

22 2. A candidate to continue membership in, or make  
23 regular donations from personal or business funds to,  
24 religious, political party, civic, or charitable groups of  
25 which the candidate is a member or to which the candidate has  
26 been a regular donor for more than 6 months; or

27 3. A candidate to purchase, with campaign funds,  
28 tickets, admission to events, or advertisements from  
29 religious, civic, political party, or charitable groups.

30 (7)~~(6)~~ A political party may not accept any  
31 contribution which has been specifically designated for the

1 partial or exclusive use of a particular candidate. Any  
2 contribution so designated must be returned to the contributor  
3 and may not be used or expended by or on behalf of the  
4 candidate.

5 (8)~~(7)~~(a) Any person who knowingly and willfully makes  
6 no more than one contribution in violation of subsection (1),  
7 subsection (2), or subsection~~(6)~~~~(5)~~, or any person who  
8 knowingly and willfully fails or refuses to return any  
9 contribution as required in subsection~~(4)~~~~(3)~~, commits a  
10 misdemeanor of the first degree, punishable as provided in s.  
11 775.082 or s. 775.083. If any corporation, partnership, or  
12 other business entity or any political party, political  
13 committee, or committee of continuous existence is convicted  
14 of knowingly and willfully violating any provision punishable  
15 under this paragraph, it shall be fined not less than \$1,000  
16 and not more than \$10,000. If it is a domestic entity, it may  
17 be ordered dissolved by a court of competent jurisdiction; if  
18 it is a foreign or nonresident business entity, its right to  
19 do business in this state may be forfeited. Any officer,  
20 partner, agent, attorney, or other representative of a  
21 corporation, partnership, or other business entity or of a  
22 political party, political committee, or committee of  
23 continuous existence who aids, abets, advises, or participates  
24 in a violation of any provision punishable under this  
25 paragraph commits a misdemeanor of the first degree,  
26 punishable as provided in s. 775.082 or s. 775.083.

27 (b) Any person who knowingly and willfully makes two  
28 or more contributions in violation of subsection (1),  
29 subsection (2), or subsection~~(6)~~~~(5)~~ commits a felony of the  
30 third degree, punishable as provided in s. 775.082, s.  
31 775.083, or s. 775.084. If any corporation, partnership, or

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

16 (9)~~(8)~~ Except when otherwise provided in subsection  
17 (8)~~(7)~~, any person who knowingly and willfully violates any  
18 provision of this section shall, in addition to any other  
19 penalty prescribed by this chapter, pay to the state a sum  
20 equal to twice the amount contributed in violation of this  
21 chapter. Each campaign treasurer shall pay all amounts  
22 contributed in violation of this section to the state for  
23 deposit in the General Revenue Fund.

24 (10)~~(9)~~ This section does not apply to the transfer of  
25 funds between a primary campaign depository and a savings  
26 account or certificate of deposit or to any interest earned on  
27 such account or certificate.

28 Section 5. Section 106.087, Florida Statutes, is  
29 amended to read:

30  
31







1           Section 6. For the purpose of incorporating the  
2 amendments made by this act to sections 106.08 and 106.265,  
3 Florida Statutes, in references thereto, subsections (1) and  
4 (3) of section 106.19, Florida Statutes, are reenacted to  
5 read:

6           106.19 Violations by candidates, persons connected  
7 with campaigns, and political committees.--

8           (1) Any candidate; campaign manager, campaign  
9 treasurer, or deputy treasurer of any candidate; committee  
10 chair, vice chair, campaign treasurer, deputy treasurer, or  
11 other officer of any political committee; agent or person  
12 acting on behalf of any candidate or political committee; or  
13 other person who knowingly and willfully:

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

16           (b) Fails to report any contribution required to be  
17 reported by this chapter;

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

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

23  
24 is guilty of a misdemeanor of the first degree, punishable as  
25 provided in s. 775.082 or s. 775.083.

26           (3) A political committee sponsoring a constitutional  
27 amendment proposed by initiative which submits a petition form  
28 gathered by a paid petition circulator which does not provide  
29 the name and address of the paid petition circulator on the  
30 form is subject to the civil penalties prescribed in s.  
31 106.265.

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

3           106.29 Reports by political parties; restrictions on  
4 contributions and expenditures; penalties.--

5           (6)(a) The national, state, and county executive  
6 committees of a political party, including any subordinate  
7 committee of a national, state, or county executive committee  
8 of a political party, may not contribute to any candidate any  
9 amount in excess of the limits contained in s. 106.08(3)(2),  
10 ~~and all contributions required to be reported under s.~~  
11 ~~106.08(2) by the national executive committee of a political~~  
12 ~~party shall be reported by the state executive committee of~~  
13 ~~that political party.~~

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

20           Section 8. Sections 106.30, 106.31, 106.32, 106.33,  
21 106.34, 106.35, 106.353, 106.355, and 106.36, Florida  
22 Statutes, are repealed.

23           Section 9. Paragraph (b) of subsection (1) of section  
24 106.07, Florida Statutes, is amended to read:

25           106.07 Reports; certification and filing.--

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

1 campaign treasurer is appointed, except that, if the 10th day  
2 following the end of a calendar quarter occurs on a Saturday,  
3 Sunday, or legal holiday, the report shall be filed on the  
4 next following day which is not a Saturday, Sunday, or legal  
5 holiday. Quarterly reports shall include all contributions  
6 received and expenditures made during the calendar quarter  
7 which have not otherwise been reported pursuant to this  
8 section.

9 (b) Following the last day of qualifying for office,  
10 any statewide or legislative candidate who has requested to  
11 receive contributions from the Clean-Money Election Campaign  
12 ~~Financing~~ Trust Fund or any statewide or legislative candidate  
13 in a race with a candidate who has requested to receive  
14 contributions from the trust fund shall file reports on the  
15 4th, 11th, 18th, 25th, and 32nd days prior to the first  
16 primary and general elections, and on the 4th, 11th, 18th, and  
17 25th days prior to the second primary.

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

20 106.141 Disposition of surplus funds by candidates.--

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

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

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

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

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

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

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

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

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

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

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

30          Section 12. Subsections (3) and (4) of section  
31 106.265, Florida Statutes, are amended to read:

1           106.265 Civil penalties.--

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

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

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

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

17           320.02 Registration required; application for  
18 registration; forms.--

19           (13) The application form for motor vehicle  
20 registration shall include language permitting a voluntary  
21 contribution of \$5 per applicant, which contribution shall be  
22 transferred into the Clean-Money Election Campaign Financing  
23 Trust Fund. A statement providing an explanation of the  
24 purpose of the trust fund shall also be included.

25           Section 14. Paragraph (a) of subsection (6) of section  
26 322.08, Florida Statutes, is amended to read:

27           322.08 Application for license.--

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

31

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

4  
5 A statement providing an explanation of the purpose of the  
6 trust funds shall also be included.

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

9           328.72 Classification; registration; fees and charges;  
10 surcharge; disposition of fees; fines; marine turtle  
11 stickers.--

12           (11) VOLUNTARY CONTRIBUTIONS.--The application form  
13 for boat registration shall include a provision to allow each  
14 applicant to indicate a desire to pay an additional voluntary  
15 contribution to the Save the Manatee Trust Fund to be used for  
16 the purposes specified in s. 370.12(4). This contribution  
17 shall be in addition to all other fees and charges. The amount  
18 of the request for a voluntary contribution solicited shall be  
19 \$2 or \$5 per registrant. A registrant who provides a  
20 voluntary contribution of \$5 or more shall be given a sticker  
21 or emblem by the tax collector to display, which signifies  
22 support for the Save the Manatee Trust Fund. All voluntary  
23 contributions shall be deposited in the Save the Manatee Trust  
24 Fund and shall be used for the purposes specified in s.  
25 370.12(4). The form shall also include language permitting a  
26 voluntary contribution of \$5 per applicant, which contribution  
27 shall be transferred into the Clean-Money ~~Election Campaign~~  
28 ~~Financing~~ Trust Fund. A statement providing an explanation of  
29 the purpose of the trust fund shall also be included.

30           Section 16. Subsection (1) of section 607.1622,  
31 Florida Statutes, is amended to read:

1           607.1622 Annual report for Department of State.--

2           (1) Each domestic corporation and each foreign  
3 corporation authorized to transact business in this state  
4 shall deliver to the Department of State for filing a sworn  
5 annual report on such forms as the Department of State  
6 prescribes that sets forth:

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

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

12           (c) The address of its principal office and the  
13 mailing address of the corporation;

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

16           (e) The names and business street addresses of its  
17 directors and principal officers;

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

20           (g) Language permitting a voluntary contribution of \$5  
21 per taxpayer, which contribution shall be transferred into the  
22 Clean-Money Election Campaign Financing Trust Fund. A  
23 statement providing an explanation of the purpose of the trust  
24 fund shall also be included; and

25           (h) Such additional information as may be necessary or  
26 appropriate to enable the Department of State to carry out the  
27 provisions of this act.

28           Section 17. For the purpose of incorporating the  
29 amendment made by this act to section 106.265, Florida  
30 Statutes, in a reference thereto, subsection (8) of section  
31 106.143, Florida Statutes, is reenacted to read:



1           106.143 Political advertisements circulated prior to  
2 election; requirements.--

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

6           Section 18. For the purpose of incorporating the  
7 amendment made by this act to section 106.265, Florida  
8 Statutes, in a reference thereto, subsection (2) of section  
9 106.144, Florida Statutes, is reenacted to read:

10           106.144 Endorsements or opposition by certain groups  
11 and organizations.--

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

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

22           Section 20. This act shall take effect July 1, 2004,  
23 if Senate Bill \_\_\_\_ or similar legislation creating the  
24 Clean-Money Trust Fund is adopted in the same legislative  
25 session or an extension thereof and becomes law.

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SENATE SUMMARY

Creates the "Florida Clean Elections Act" to provide clean-money campaign funding for candidates for statewide or legislative office. Provides eligibility requirements for clean-money campaign funding for candidates for statewide or legislative office. Provides transitional requirements for the current election cycle. Provides a continuing obligation to comply. Provides limitations on contributions and expenditures and on the use of personal funds. Provides for seed-money contributions. Provides for participation in debates. Provides for certification of eligibility. Specifies benefits for participating candidates. Provides for the amounts and payment schedule of clean-money funding. Provides limitations on the expenditure of clean-money funds. Provides for disclosure of excess spending by nonparticipating candidates. Provides for disclosure of and additional clean money to respond to independent expenditures. Provides for disclosure of and additional clean money to respond to issue advertisements. Directs the Secretary of State to create a nonpartisan Voter Information Commission and provides its duties. Requires publicly funded television and radio stations to provide free coverage of debates for specified elections. Provides limitations on mailing privileges of certain public officials. Provides revenue sources for the Clean-Money Trust Fund. Provides for the administration and dispersal of clean-money funds. Provides limits on political party contributions and expenditures.

Redefines the term "political advertisement." Eliminates authorization for unrestricted expenditures by political committees and political parties to jointly endorse three or more candidates. Provides limits on contributions to political parties, and revises limits on contributions to candidates by political parties. Eliminates a restriction on independent expenditures by political committees and committees of continuous existence that use public resources to collect dues. Revises reporting requirements of political parties.

Repeals the "Florida Election Campaign Financing Act." Provides for deposit of various fines, surplus funds, and voluntary contributions in the Clean-Money Trust Fund. Provides for a surcharge on civil penalties to be deposited into the trust fund and for deposit of the surcharge funds into the trust fund. (See bill for details.)