

1 A bill to be entitled

2 An act relating to campaign financing; providing a popular  
3 name; amending s. 106.011, F.S.; revising definitions of  
4 the terms "political committee," "contribution," and  
5 "expenditure" to provide applicability with respect to  
6 elected public officials; revising the definition of the  
7 term "political advertisement" to provide a presumption  
8 with respect to certain advertisements and to provide  
9 certain exceptions thereto; amending s. 106.021, F.S.;  
10 eliminating a provision that authorizes the unrestricted  
11 expenditure of funds by a political committee or political  
12 party for the purpose of jointly endorsing three or more  
13 candidates; amending s. 106.03, F.S.; providing additional  
14 requirements for registration of political committees and  
15 certification of committees of continuous existence;  
16 providing penalties and applicability; amending s. 106.04,  
17 F.S.; requiring committees of continuous existence to  
18 update certain certification information; requiring an up-  
19 to-date membership list with the application for  
20 certification and with each annual and regular report;  
21 specifying information membership lists must provide;  
22 requiring membership dues to be reported in the same  
23 manner as regular contributions; requiring the treasurer  
24 of each committee of continuous existence to certify that  
25 the contributions received and expenditures made by the  
26 committee were not solicited, received, directed,  
27 transferred, or spent by an elected public officer of the  
28 state or any of its political subdivisions or by any agent  
29 or person acting on behalf of such officer; prohibiting

HB 1529

2004

30 committees of continuous existence from making  
 31 expenditures in support of or opposition to an elected  
 32 public official without registering as a political  
 33 committee; providing an exception; providing that records  
 34 of a committee of continuous existence relating to  
 35 political activities are public records; revising the fine  
 36 for late filing of reports by committees of continuous  
 37 existence; providing penalties; amending s. 106.07, F.S.;  
 38 correcting a cross reference, to conform; amending s.  
 39 106.087, F.S.; eliminating a provision that authorizes  
 40 independent expenditures by certain political committees  
 41 and committees of continuous existence for the purpose of  
 42 jointly endorsing three or more candidates; creating s.  
 43 104.311, F.S.; prohibiting elected public officers, and  
 44 agents or persons acting on behalf of such officers, from  
 45 soliciting, receiving, directing, transferring, or  
 46 spending a contribution or expenditure to or on behalf of  
 47 a committee of continuous existence; prohibiting elected  
 48 public officers from serving as chair, treasurer, deputy  
 49 treasurer, or any other officer of a committee of  
 50 continuous existence; providing civil and criminal  
 51 penalties; providing for severability; providing effective  
 52 dates.

53  
 54 Be It Enacted by the Legislature of the State of Florida:

55  
 56 Section 1. This act shall be known by the popular name the  
 57 "Marjorie Turnbull Campaign Finance Reform Act."

HB 1529

2004

58 Section 2. Effective July 1, 2004, subsections (1), (3),  
 59 (4), and (17) of section 106.011, Florida Statutes, are amended  
 60 to read:

61 106.011 Definitions.--As used in this chapter, the  
 62 following terms have the following meanings unless the context  
 63 clearly indicates otherwise:

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

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

68 a. Accepts contributions for the purpose of making  
 69 contributions to any candidate, elected public official,  
 70 political committee, committee of continuous existence, or  
 71 political party;

72 b. Accepts contributions for the purpose of expressly  
 73 advocating the election or defeat of a candidate or an elected  
 74 public official or the passage or defeat of an issue;

75 c. Makes expenditures that expressly advocate the election  
 76 or defeat of a candidate or an elected public official or the  
 77 passage or defeat of an issue; or

78 d. Makes contributions to a common fund, other than a  
 79 joint checking account between spouses, from which contributions  
 80 are made to any candidate, elected public official, political  
 81 committee, committee of continuous existence, or political  
 82 party.

83 2. The sponsor of a proposed constitutional amendment by  
 84 initiative who intends to seek the signatures of registered  
 85 electors.

HB 1529

2004

86 (b) Notwithstanding paragraph (a), the following entities  
 87 are not considered political committees for purposes of this  
 88 chapter:

89 1. Organizations which are certified by the Department of  
 90 State as committees of continuous existence pursuant to s.  
 91 106.04, national political parties, and the state and county  
 92 executive committees of political parties regulated by chapter  
 93 103.

94 2. Corporations regulated by chapter 607 or chapter 617 or  
 95 other business entities formed for purposes other than to  
 96 support or oppose issues or candidates, if their political  
 97 activities are limited to contributions to candidates, elected  
 98 public officials, political parties, or political committees or  
 99 expenditures in support of or opposition to an issue or an  
 100 elected public official from corporate or business funds and if  
 101 no contributions are received by such corporations or business  
 102 entities.

103 (3) "Contribution" means:

104 (a) A gift, subscription, conveyance, deposit, loan,  
 105 payment, or distribution of money or anything of value,  
 106 including contributions in kind having an attributable monetary  
 107 value in any form, made for the purpose of influencing the  
 108 results of an election.

109 (b) A transfer of funds between political committees,  
 110 between committees of continuous existence, or between a  
 111 political committee and a committee of continuous existence.

112 (c) The payment, by any person other than a candidate or  
 113 political committee, of compensation for the personal services  
 114 of another person which are rendered to a candidate or political

HB 1529

2004

115 committee without charge to the candidate or committee for such  
 116 services.

117 (d) The transfer of funds by a campaign treasurer or  
 118 deputy campaign treasurer between a primary depository and a  
 119 separate interest-bearing account or certificate of deposit, and  
 120 the term includes any interest earned on such account or  
 121 certificate.

122 (e) Any funds received by a political committee which are  
 123 used or intended to be used, directly or indirectly, to pay for  
 124 a political advertisement supporting or opposing an elected  
 125 public official.

126  
 127 Notwithstanding the foregoing meanings of "contribution," the  
 128 word shall not be construed to include services, including, but  
 129 not limited to, legal and accounting services, provided without  
 130 compensation by individuals volunteering a portion or all of  
 131 their time on behalf of a candidate or political committee. This  
 132 definition shall not be construed to include editorial  
 133 endorsements.

134 (4) "Expenditure" means a purchase, payment, distribution,  
 135 loan, advance, transfer of funds by a campaign treasurer or  
 136 deputy campaign treasurer between a primary depository and a  
 137 separate interest-bearing account or certificate of deposit, or  
 138 gift of money or anything of value made for the purpose of  
 139 influencing the results of an election or for purchasing a  
 140 political advertisement supporting or opposing an elected public  
 141 official. However, "expenditure" does not include a purchase,  
 142 payment, distribution, loan, advance, or gift of money or  
 143 anything of value made for the purpose of influencing the

HB 1529

2004

144 results of an election when made by an organization, in  
 145 existence prior to the time during which a candidate qualifies  
 146 or an issue is placed on the ballot for that election, for the  
 147 purpose of printing or distributing such organization's  
 148 newsletter, containing a statement by such organization in  
 149 support of or opposition to a candidate or issue, which  
 150 newsletter is distributed only to members of such organization.

151 (17)(a) "Political advertisement" means a paid expression  
 152 in any communications media prescribed in subsection (13),  
 153 whether radio, television, newspaper, magazine, periodical,  
 154 campaign literature, direct mail, or display or by means other  
 155 than the spoken word in direct conversation, which shall support  
 156 or oppose any candidate, elected public official, or issue. In  
 157 addition, an advertisement is presumed to be a political  
 158 advertisement if it is a paid expression in any communications  
 159 media described in subsection (13), whether radio, television,  
 160 newspaper, magazine, periodical, campaign literature, direct  
 161 mail, or display or by means other than the spoken word in  
 162 direct conversation, which substantially mentions or shows a  
 163 clearly identifiable candidate for election or reelection and is  
 164 distributed at any point during the period following the last  
 165 day of qualifying for that candidacy through the ensuing general  
 166 election and which, when examined by a reasonable person, would  
 167 be understood as a communication made for the purpose of  
 168 influencing the results of an election on that candidacy during  
 169 that period and for which aggregate expenditures on like  
 170 advertisements exceed \$1,000.

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

HB 1529

2004

172        1.(a) A statement by an organization, in existence prior  
 173 to the time during which a candidate qualifies or an issue is  
 174 placed on the ballot for that election, in support of or  
 175 opposition to a candidate or issue, in that organization's  
 176 newsletter, which newsletter is distributed only to the members  
 177 of that organization.

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

180        3. A paid expression in any communications media which  
 181 mentions or shows a clearly identifiable candidate for election  
 182 or reelection which:

183        a. Advertises a business rather than the candidate, is  
 184 paid for out of funds of that business, and is similar to other  
 185 advertisements for that business which have mentioned or shown  
 186 the candidate and have been distributed regularly over a period  
 187 of at least 1 year before the qualifying period for that  
 188 candidacy; or

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

191        Section 3. Effective July 1, 2004, subsection (3) of  
 192 section 106.021, Florida Statutes, is amended to read:

193        106.021 Campaign treasurers; deputies; primary and  
 194 secondary depositories.--

195        (3) Except for independent expenditures, no contribution  
 196 or expenditure, including contributions or expenditures of a  
 197 candidate or of the candidate's family, shall be directly or  
 198 indirectly made or received in furtherance of the candidacy of  
 199 any person for nomination or election to political office in the  
 200 state or on behalf of any political committee except through the

HB 1529

2004

201 duly appointed campaign treasurer of the candidate or political  
 202 committee; however, a candidate or any other individual may be  
 203 reimbursed for expenses incurred for travel, food and beverage,  
 204 office supplies, and mementos expressing gratitude to campaign  
 205 supporters by a check drawn upon the campaign account and  
 206 reported pursuant to s. 106.07(4). ~~In addition, expenditures may~~  
 207 ~~be made directly by any political committee or political party~~  
 208 ~~regulated by chapter 103 for obtaining time, space, or services~~  
 209 ~~in or by any communications medium for the purpose of jointly~~  
 210 ~~endorsing three or more candidates, and any such expenditure~~  
 211 ~~shall not be considered a contribution or expenditure to or on~~  
 212 ~~behalf of any such candidates for the purposes of this chapter.~~

213 Section 4. Section 106.03, Florida Statutes, is amended to  
 214 read:

215 106.03 Registration of political committees.--

216 (1) Each political committee which anticipates receiving  
 217 contributions or making expenditures during a calendar year in  
 218 an aggregate amount exceeding \$500 or which is seeking the  
 219 signatures of registered electors in support of an initiative  
 220 shall file a statement of organization as provided in subsection  
 221 (4) ~~(3)~~ within 10 days after its organization or, if later,  
 222 within 10 days after the date on which it has information which  
 223 causes the committee to anticipate that it will receive  
 224 contributions or make expenditures in excess of \$500. If a  
 225 political committee is organized within 10 days before ~~of~~ any  
 226 election, it shall immediately file the statement of  
 227 organization required by this section.

228 (2) The statement of organization shall include:

229 (a) The name and address of the committee;



HB 1529

2004

- 230 (b) The names, addresses, and relationships of affiliated  
 231 or connected organizations;
- 232 (c) The area, scope, or jurisdiction of the committee;
- 233 (d) The name, address, ~~and~~ position, and principal  
 234 employer of the custodian of books and accounts;
- 235 (e) The name, address, ~~and~~ position, and principal  
 236 employer of each other principal officer ~~officers~~, including  
 237 officers and members of the finance committee, if any;
- 238 (f) The name, address, office sought, and party  
 239 affiliation of:
- 240 1. Each candidate whom the committee is supporting;
  - 241 2. Any other individual, if any, whom the committee is  
 242 supporting for nomination for election, or election, to any  
 243 public office whatever;
- 244 (g) Any issue or issues such organization is supporting or  
 245 opposing;
- 246 (h) If the committee is supporting the entire ticket of  
 247 any party, a statement to that effect and the name of the party;
- 248 (i) A statement of whether the committee is a continuing  
 249 one;
- 250 (j) Plans for the disposition of residual funds which will  
 251 be made in the event of dissolution;
- 252 (k) A listing of all banks, safe-deposit boxes, or other  
 253 depositories used for committee funds; and
- 254 (l) A statement of the reports required to be filed by the  
 255 committee with federal officials, if any, and the names,  
 256 addresses, and positions of such officials.
- 257 (3)(a) The name of the committee provided in the statement  
 258 of organization must include the name of the corporation, labor

HB 1529

2004

259 union, professional association, political committee, committee  
 260 of continuous existence, or other business entity whose  
 261 officials, employees, agents, or members, directly or  
 262 indirectly, established or organized the committee, if any.

263 (b) If the name of the committee provided in the statement  
 264 of organization does not include the name of a corporation,  
 265 labor union, professional association, political committee,  
 266 committee of continuous existence, or other business entity, the  
 267 name must include the economic or special interest, if  
 268 identifiable, principally represented by the committee's  
 269 organizers or intended to be advanced by the committee's  
 270 receipts.

271 (c) Any person who knowingly and willfully violates this  
 272 subsection shall be fined not less than \$1,000 and not more than  
 273 \$10,000 for each violation. Any officer, partner, agent,  
 274 attorney, or other representative of a corporation, labor union,  
 275 professional association, political committee, committee of  
 276 continuous existence, or other business entity who aids, abets,  
 277 advises, or participates in a violation of any provision of this  
 278 subsection shall be fined not less than \$1,000 and not more than  
 279 \$10,000 for each violation.

280 (4)(3)(a) A political committee which is organized to  
 281 support or oppose statewide, legislative, or multicounty  
 282 candidates or issues to be voted upon on a statewide or  
 283 multicounty basis shall file a statement of organization with  
 284 the Division of Elections.

285 (b) Except as provided in paragraph (c), a political  
 286 committee which is organized to support or oppose candidates or  
 287 issues to be voted on in a countywide election or candidates or

HB 1529

2004

288 issues in any election held on less than a countywide basis  
 289 shall file a statement of organization with the supervisor of  
 290 elections of the county in which such election is being held.

291 (c) A political committee which is organized to support or  
 292 oppose only candidates for municipal office or issues to be  
 293 voted on in a municipal election shall file a statement of  
 294 organization with the officer before whom municipal candidates  
 295 qualify.

296 (d) Any political committee which would be required under  
 297 this subsection to file a statement of organization in two or  
 298 more locations by reason of the committee's intention to support  
 299 or oppose candidates or issues at state or multicounty and local  
 300 levels of government need file only with the Division of  
 301 Elections.

302 (5)~~(4)~~ Any change in information previously submitted in a  
 303 statement of organization shall be reported to the agency or  
 304 officer with whom such committee is required to register  
 305 pursuant to subsection (4) ~~(3)~~, within 10 days following the  
 306 change.

307 (6)~~(5)~~ Any committee which, after having filed one or more  
 308 statements of organization, disbands or determines it will no  
 309 longer receive contributions or make expenditures during the  
 310 calendar year in an aggregate amount exceeding \$500 shall so  
 311 notify the agency or officer with whom such committee is  
 312 required to file the statement of organization.

313 (7)~~(6)~~ If the filing officer finds that a political  
 314 committee has filed its statement of organization consistent  
 315 with the requirements of subsections ~~subsection~~ (2) and (3), it  
 316 shall notify the committee in writing that it has been

HB 1529

2004

317 registered as a political committee. If the filing officer finds  
 318 that a political committee's statement of organization does not  
 319 meet the requirements of subsections ~~subsection~~ (2) and (3), it  
 320 shall notify the committee of such finding and shall state in  
 321 writing the reasons for rejection of the statement of  
 322 organization.

323 (8)~~(7)~~ The Division of Elections shall adopt ~~promulgate~~  
 324 rules to prescribe the manner in which inactive committees may  
 325 be dissolved and have their registration canceled. Such rules  
 326 shall, at a minimum, provide for:

327 (a) Notice which shall contain the facts and conduct which  
 328 warrant the intended action, including but not limited to  
 329 failure to file reports and limited activity.

330 (b) Adequate opportunity to respond.

331 (c) Appeal of the decision to the Florida Elections  
 332 Commission. Such appeals shall be exempt from the  
 333 confidentiality provisions of s. 106.25.

334 Section 5. Section 106.04, Florida Statutes, is amended to  
 335 read:

336 106.04 Committees of continuous existence.--

337 (1) In order to qualify as a committee of continuous  
 338 existence for the purposes of this chapter, a group,  
 339 organization, association, or other such entity which is  
 340 involved in making contributions to candidates, political  
 341 committees, or political parties, shall meet the following  
 342 criteria:

343 (a) It shall be organized and operated in accordance with  
 344 a written charter or set of bylaws which contains procedures for

HB 1529

2004

345 the election of officers and directors and which clearly defines  
 346 membership in the organization; and

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

351 (2) Any group, organization, association, or other entity  
 352 may seek certification from the Department of State as a  
 353 committee of continuous existence by filing an application with  
 354 the Division of Elections on a form provided by the division.  
 355 Such application shall provide the information required of  
 356 political committees by s. 106.03(2) and (3), and any change in  
 357 such information shall be reported pursuant to s. 106.03(5).

358 Each application shall be accompanied by the name and street  
 359 address of the principal officer of the applying entity as of  
 360 the date of the application; a copy of the charter or bylaws of  
 361 the organization; a copy of the dues or assessment schedule of  
 362 the organization, or formula by which dues or assessments are  
 363 levied; an up-to-date membership list; and a complete financial  
 364 statement or annual audit summarizing all income received, and  
 365 all expenses incurred, by the organization during the 12 months  
 366 preceding the date of application. The membership list must  
 367 provide the name and occupation of, and the amount of dues paid  
 368 by, each member of the organization and shall be updated and  
 369 submitted with each annual and regular report filed pursuant to  
 370 subsection (4). ~~A membership list shall be made available for~~  
 371 ~~inspection if deemed necessary by the division.~~

372 (3) If the Division of Elections finds that an applying  
 373 organization meets the criteria for a committee of continuous

HB 1529

2004

374 existence as provided by subsection (1), it shall certify such  
 375 findings and notify the applying organization of such  
 376 certification. If it finds that an applying organization does  
 377 not meet the criteria for certification, it shall notify the  
 378 organization of such findings and shall state the reasons why  
 379 such criteria are not met.

380 (4)(a) Each committee of continuous existence shall file  
 381 an annual report with the Division of Elections during the month  
 382 of January. Such annual reports shall contain the same  
 383 information and shall be accompanied by the same materials as  
 384 original applications filed pursuant to subsection (2). However,  
 385 the charter or bylaws need not be filed if the annual report is  
 386 accompanied by a sworn statement by the chair that no changes  
 387 have been made to such charter or bylaws since the last filing.

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

392 2. Any committee of continuous existence failing to so  
 393 file a report with the Division of Elections pursuant to this  
 394 paragraph on the designated due date shall be subject to a fine  
 395 for late filing as provided by this section.

396 (c) All committees of continuous existence shall file the  
 397 original and one copy of their reports with the Division of  
 398 Elections. In addition, a duplicate copy of each report shall be  
 399 filed with the supervisor of elections in the county in which  
 400 the committee maintains its books and records, except that if  
 401 the filing officer to whom the committee is required to report  
 402 is located in the same county as the supervisor no such

HB 1529

2004

403 duplicate report is required to be filed with the supervisor.  
 404 Reports shall be on forms provided by the division and shall  
 405 contain the following information:

406 1. The full name, address, and occupation of each person  
 407 who has made one or more contributions to the committee during  
 408 the reporting period, together with the amounts and dates of  
 409 such contributions. For corporations, the report must provide as  
 410 clear a description as practicable of the principal type of  
 411 business conducted by the corporation. However, if the  
 412 contribution is \$100 or less, the occupation of the contributor  
 413 or principal type of business need not be listed. ~~However, for~~  
 414 ~~any contributions which represent the payment of dues by members~~  
 415 ~~in a fixed amount pursuant to the schedule on file with the~~  
 416 ~~Division of Elections, only the aggregate amount of such~~  
 417 ~~contributions need be listed, together with the number of~~  
 418 ~~members paying such dues and the amount of the membership dues.~~

419 2. The name and address of each political committee or  
 420 committee of continuous existence from which the reporting  
 421 committee received, or the name and address of each political  
 422 committee, committee of continuous existence, or political party  
 423 to which it made, any transfer of funds, together with the  
 424 amounts and dates of all transfers.

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

428 4. The name and address of, and office sought by, each  
 429 candidate to whom the committee has made a contribution during  
 430 the reporting period, together with the amount and date of each  
 431 contribution.

HB 1529

2004

432 (d)1. The treasurer of each committee shall certify as to  
433 the correctness of each report and shall bear the responsibility  
434 for its accuracy and veracity. Any treasurer who willfully  
435 certifies to the correctness of a report while knowing that such  
436 report is incorrect, false, or incomplete commits a misdemeanor  
437 of the first degree, punishable as provided in s. 775.082 or s.  
438 775.083.

439 2. The treasurer of each committee shall certify that the  
440 contributions received and expenditures made by the committee  
441 were not solicited, received, directed, transferred, or spent by  
442 an elected public officer of the state or any of its political  
443 subdivisions or by any agent or person acting on behalf of such  
444 officer. Any treasurer who willfully certifies that such  
445 contributions or expenditures were not solicited, received,  
446 directed, transferred, or spent by an elected public officer of  
447 the state or any of its political subdivisions, or by any agent  
448 or person acting on behalf of such officer, while knowing that  
449 such certification is false commits a misdemeanor of the first  
450 degree, punishable as provided in s. 775.082 or s. 775.083.

451 (5)(a) No committee of continuous existence shall  
452 contribute to any candidate or political committee an amount in  
453 excess of the limits contained in s. 106.08(1) or participate in  
454 any other activity which is prohibited by this chapter. If any  
455 violation occurs, it shall be punishable as provided in this  
456 chapter for the given offense.

457 (b) No funds of a committee of continuous existence shall  
458 be expended on behalf of a candidate, except by means of a  
459 contribution made through the duly appointed campaign treasurer  
460 of a candidate. No such committee shall make expenditures in



HB 1529

2004

461 support of, or in opposition to, an issue or an elected public  
 462 official unless such committee first registers as a political  
 463 committee pursuant to this chapter and undertakes all the  
 464 practices and procedures required thereof; provided such  
 465 committee may make contributions in a total amount not to exceed  
 466 25 percent of its aggregate income, as reflected in the annual  
 467 report filed for the previous year, to one or more political  
 468 committees registered pursuant to s. 106.03 and formed to  
 469 support or oppose issues or elected public officials.

470 (6) All accounts and records of a committee of continuous  
 471 existence may be inspected under reasonable circumstances by any  
 472 authorized representative of the Division of Elections or the  
 473 Florida Elections Commission. All records relating to political  
 474 activities of a committee of continuous existence, as specified  
 475 in subsection (5), are public records and subject to inspection  
 476 under s. 119.07. The right of inspection may be enforced by  
 477 appropriate writ issued by any court of competent jurisdiction.

478 (7) If a committee of continuous existence ceases to meet  
 479 the criteria prescribed by subsection (1), the Division of  
 480 Elections shall revoke its certification until such time as the  
 481 criteria are again met. The Division of Elections shall  
 482 promulgate rules to prescribe the manner in which such  
 483 certification shall be revoked. Such rules shall, at a minimum,  
 484 provide for:

485 (a) Notice, which shall contain the facts and conduct that  
 486 warrant the intended action.

487 (b) Adequate opportunity to respond.

HB 1529

2004

488 (c) Appeal of the decision to the Florida Elections  
 489 Commission. Such appeals shall be exempt from the  
 490 confidentiality provisions of s. 106.25.

491 (8)(a) Any committee of continuous existence failing to  
 492 file a report on the designated due date shall be subject to a  
 493 fine of. ~~The fine shall be \$500 per day for each late day, not~~  
 494 ~~to exceed 25 percent of the total receipts or expenditures,~~  
 495 ~~whichever is greater, for the period covered by the late report.~~  
 496 The fine shall be assessed by the filing officer, and the moneys  
 497 collected shall be deposited in the Elections Commission Trust  
 498 Fund. No separate fine shall be assessed for failure to file a  
 499 copy of any report required by this section.

500 (b) Upon determining that a report is late, the filing  
 501 officer shall immediately notify the treasurer of the committee  
 502 as to the failure to file a report by the designated due date  
 503 and that a fine is being assessed for each late day. Upon  
 504 receipt of the report, the filing officer shall determine the  
 505 amount of fine which is due and shall notify the treasurer of  
 506 the committee. The filing officer shall determine the amount of  
 507 the fine due based upon the earliest of the following:

- 508 1. When the report is actually received by such officer.
- 509 2. When the report is postmarked.
- 510 3. When the certificate of mailing is dated.
- 511 4. When the receipt from an established courier company is  
 512 dated.

513  
 514 Such fine shall be paid to the filing officer within 20 days  
 515 after receipt of the notice of payment due, unless appeal is  
 516 made to the Florida Elections Commission pursuant to paragraph

HB 1529

2004

517 (c). An officer or member of a committee shall not be personally  
 518 liable for such fine.

519 (c) Any treasurer of a committee may appeal or dispute the  
 520 fine, based upon unusual circumstances surrounding the failure  
 521 to file on the designated due date, and may request and shall be  
 522 entitled to a hearing before the Florida Elections Commission,  
 523 which shall have the authority to waive the fine in whole or in  
 524 part. Any such request shall be made within 20 days after  
 525 receipt of the notice of payment due. In such case, the  
 526 treasurer of the committee shall, within the 20-day period,  
 527 notify the filing officer in writing of his or her intention to  
 528 bring the matter before the commission.

529 (d) The filing officer shall notify the Florida Elections  
 530 Commission of the repeated late filing by a committee of  
 531 continuous existence, the failure of a committee of continuous  
 532 existence to file a report after notice, or the failure to pay  
 533 the fine imposed.

534 Section 6. Any political committee or committee of  
 535 continuous existence organized before January 1, 2005, shall  
 536 have 60 days, beginning January 1, 2005, within which to amend  
 537 its name, if necessary, to comply with the requirements of s.  
 538 106.03(3), Florida Statutes, as created by this act, or s.  
 539 106.04(2), Florida Statutes, as amended by this act, as  
 540 applicable.

541 Section 7. Subsection (3) of section 106.07, Florida  
 542 Statutes, is amended to read:

543 106.07 Reports; certification and filing.--

544 (3) Reports required of a political committee shall be  
 545 filed with the agency or officer before whom such committee

HB 1529

2004

546 registers pursuant to s. 106.03(4)~~(3)~~ and shall be subject to  
 547 the same filing conditions as established for candidates'  
 548 reports. Only committees that file with the Department of State  
 549 shall file the original and one copy of their reports.  
 550 Incomplete reports by political committees shall be treated in  
 551 the manner provided for incomplete reports by candidates in  
 552 subsection (2).

553 Section 8. Effective July 1, 2004, paragraph (a) of  
 554 subsection (2) of section 106.087, Florida Statutes, is amended  
 555 to read:

556 106.087 Independent expenditures; contribution limits;  
 557 restrictions on political parties, political committees, and  
 558 committees of continuous existence.--

559 (2)(a) Any political committee or committee of continuous  
 560 existence that accepts the use of public funds, equipment,  
 561 personnel, or other resources to collect dues from its members  
 562 agrees not to make independent expenditures in support of or  
 563 opposition to a candidate or elected public official. ~~However,~~  
 564 ~~expenditures may be made for the sole purpose of jointly~~  
 565 ~~endorsing three or more candidates.~~

566 Section 9. Section 104.311, Florida Statutes, is created  
 567 to read:

568 104.311 Prohibited political fundraising and activity by  
 569 elected public officers; penalties.--

570 (1)(a) No elected public officer of the state or any of  
 571 its political subdivisions, or any agent or person acting on  
 572 behalf of such officer, may solicit, receive, direct, transfer,  
 573 or spend a contribution or expenditure, as those terms are

HB 1529

2004

574 defined in s. 106.011, to or on behalf of any committee of  
 575 continuous existence formed pursuant to s. 106.04.

576 (b) No elected public officer of the state or any of its  
 577 political subdivisions shall serve as chair, treasurer, deputy  
 578 treasurer, or any other officer of a committee of continuous  
 579 existence formed pursuant to s. 106.04.

580 (2) Any elected public officer of the state or any of its  
 581 political subdivisions, or any agent or person acting on behalf  
 582 of such officer, who violates this section shall be liable for a  
 583 civil fine of \$5,000 per violation.

584 (3) In addition to the penalties provided in subsection  
 585 (2), any person who violates this section commits a misdemeanor  
 586 of the first degree, punishable as provided in s. 775.082 or s.  
 587 775.083.

588 Section 10. If any provision of this act or the  
 589 application thereof to any person or circumstance is held  
 590 invalid, the invalidity shall not affect other provisions or  
 591 applications of the act which can be given effect without the  
 592 invalid provision or application, and to this end the provisions  
 593 of this act are declared severable.

594 Section 11. Except as otherwise provided herein, this act  
 595 shall take effect January 1, 2005.