

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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.
.



1 Representative Harrington offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act shall be known by the popular name the
6 "Florida Advertising Campaign Exposure Act."

7 Section 2. Subsections (7) through (38) are renumbered as
8 subsections (8) through (39), respectively, and a new subsection
9 (8) is added to said section to read:

10 97.021 Definitions.--For the purposes of this code, except
11 where the context clearly indicates otherwise, the term:

12 (7) "Early voting" means casting a ballot prior to
13 election day at a location designated by the supervisor of
14 elections and depositing the voted ballot in the tabulation
15 system.

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16 Section 3. Paragraphs (b) and (c) of subsection (4) of
17 section 101.015, Florida Statutes, are amended to read:

18 101.015 Standards for voting systems.--

19 (4)

20 (b) Each supervisor of elections shall establish written
21 procedures to assure accuracy and security in his or her county,
22 including procedures related to early voting pursuant to s.
23 101.657. ~~and~~ Such procedures shall be reviewed in each odd-
24 numbered year by the Department of State.

25 (c) Each supervisor of elections shall submit any
26 revisions to the security procedures to the Department of State
27 at least 45 days before early voting commences pursuant to s.
28 101.657 in an ~~the first~~ election in which they are to take
29 effect.

30 Section 4. Subsection (2) of section 101.5612, Florida
31 Statutes, is amended to read:

32 101.5612 Testing of tabulating equipment.--

33 (2) On any day not more than 10 days prior to the
34 commencement of early voting as provided in s. 101.657 ~~election~~
35 ~~day~~, the supervisor of elections shall have the automatic
36 tabulating equipment publicly tested to ascertain that the
37 equipment will correctly count the votes cast for all offices
38 and on all measures. Public notice of the time and place of the
39 test shall be given at least 48 hours prior thereto by
40 publication once in one or more newspapers of general
41 circulation in the county or, if there is no newspaper of
42 general circulation in the county, by posting the ~~such~~ notice in
43 at least four conspicuous places in the county. The supervisor

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44 or the municipal elections official may, at the time of
45 qualifying, give written notice of the time and location of the
46 ~~such~~ public preelection test to each candidate qualifying with
47 that office and obtain a signed receipt that the ~~such~~ notice has
48 been given. The Department of State shall give written notice to
49 each statewide candidate at the time of qualifying, or
50 immediately at the end of qualifying, that the voting equipment
51 will be tested and advise each ~~such~~ candidate to contact the
52 county supervisor of elections as to the time and location of
53 the public preelection test. The supervisor or the municipal
54 elections official shall, at least 15 days prior to the
55 commencement of early voting as provided in s. 101.657 an
56 ~~election~~, send written notice by certified mail to the county
57 party chair of each political party and to all candidates for
58 other than statewide office whose names appear on the ballot in
59 the county and who did not receive written notification from the
60 supervisor or municipal elections official at the time of
61 qualifying, stating the time and location of the public
62 preelection test of the automatic tabulating equipment. The
63 canvassing board shall convene, and each member of the
64 canvassing board shall certify to the accuracy of the test. For
65 the test, the canvassing board may designate one member to
66 represent it. The test shall be open to representatives of the
67 political parties, the press, and the public. Each political
68 party may designate one person with expertise in the computer
69 field who shall be allowed in the central counting room when all
70 tests are being conducted and when the official votes are being

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71 counted. ~~The~~ ~~Such~~ designee shall not interfere with the normal
72 operation of the canvassing board.

73 Section 5. Section 101.5613, Florida Statutes, is amended
74 to read:

75 101.5613 Examination of equipment during voting.--A member
76 of the election board or, for purposes of early voting pursuant
77 to s. 101.657, a representative of the supervisor of elections,
78 shall occasionally examine the face of the voting device and the
79 ballot information to determine that the device and the ballot
80 information have not been damaged or tampered with.

81 Section 6. Section 101.657, Florida Statutes, is amended
82 to read:

83 101.657 Early voting absentee ballots in person.--

84 ~~(1) Any qualified and registered elector may pick up and~~
85 ~~vote an absentee ballot in person at the office of, and under~~
86 ~~the supervision of, the supervisor of elections. Before~~
87 ~~receiving the ballot, the elector must present a current and~~
88 ~~valid picture identification as provided in s. 97.0535(3)(a). If~~
89 ~~the elector fails to furnish the required identification, or if~~
90 ~~the supervisor is in doubt as to the identity of the elector,~~
91 ~~the supervisor must follow the procedure prescribed in s.~~
92 ~~101.49. If the elector who fails to furnish the required~~
93 ~~identification is a first-time voter who registered by mail and~~
94 ~~has not provided the required identification to the supervisor~~
95 ~~of elections prior to voting, the elector shall be allowed to~~
96 ~~vote a provisional ballot. The canvassing board shall compare~~
97 ~~the signature on the provisional ballot envelope with the~~

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98 ~~signature on the voter's registration and, if the signatures~~
99 ~~match, shall count the ballot.~~

100 ~~(1)(a)(2) As an alternative to the provisions of ss.~~
101 ~~101.64 and 101.65, The supervisor of elections shall may allow~~
102 ~~an elector to vote early east an absentee ballot in the main or~~
103 ~~branch office of the supervisor by depositing the voted ballot~~
104 ~~in a voting device used by the supervisor to collect or tabulate~~
105 ~~ballots. In order for a branch office to be used for early~~
106 ~~voting, it shall be a full-service facility of the supervisor~~
107 ~~and shall have been designated as such at least 1 year prior to~~
108 ~~the election. The supervisor may designate any city hall or~~
109 ~~public library as an early voting site; however, if so~~
110 ~~designated, the site must be geographically located so as to~~
111 ~~provide all voters in the county an equal opportunity to cast a~~
112 ~~ballot, insofar as is practicable. The results or tabulation may~~
113 ~~not be made before the close of the polls on election day.~~

114 ~~(b) Early voting shall begin on the 15th day before an~~
115 ~~election and end on the day before an election. For purposes of~~
116 ~~a special election held pursuant to s. 100.101, early voting~~
117 ~~shall begin on the 8th day before an election and end on the day~~
118 ~~before an election. Early voting shall be provided for at least~~
119 ~~8 hours per weekday during the applicable periods.~~

120 ~~(2)(a) The elector must provide identification as required~~
121 ~~in subsection (1) and must complete an Early Voting In-Office~~
122 ~~Voter Certificate in substantially the following form:~~

123
124 EARLY VOTING IN-OFFICE VOTER CERTIFICATE
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126 I, _____, am a qualified elector in this election and registered
 127 voter of _____ County, Florida. I do solemnly swear or affirm
 128 that I am the person so listed on the voter registration rolls
 129 of _____ County and that I reside at the listed address. I
 130 understand that if I commit or attempt to commit fraud in
 131 connection with voting, vote a fraudulent ballot, or vote more
 132 than once in an election I could be convicted of a felony of the
 133 third degree and both fined up to \$5,000 and imprisoned for up
 134 to 5 years. I understand that my failure to sign this
 135 certificate ~~and have my signature witnessed~~ invalidates my
 136 ballot.

137
 138
 139 ... (Voter's Signature) ...

140
 141 ... (Address) ...

142
 143 ... (City/State) ...

144
 145 ~~... (Name of Witness) ...~~

146
 147 ~~... (Signature of Witness) ...~~

148
 149 ~~... (Type of identification provided) ...~~

150
 151 (b) Any elector may challenge an elector seeking to vote
 152 early ~~east an absentee ballot~~ under the provisions of s.
 153 101.111. Any challenged voter ~~ballot~~ must vote ~~be placed in a~~

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154 provisional ~~regular absentee~~ ballot envelope. The canvassing
155 board shall review the ballot and decide the validity of the
156 ballot by majority vote.

157 (c) The canvass of returns for ballots cast under this
158 subsection shall be substantially the same as votes cast by
159 electors in precincts, as provided in s. 101.5614.

160 Section 7. Section 106.011, Florida Statutes, is amended
161 to read:

162 106.011 Definitions.--As used in this chapter, the
163 following terms have the following meanings unless the context
164 clearly indicates otherwise:

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

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

169 a. Accepts contributions for the purpose of making
170 contributions to any candidate, political committee, committee
171 of continuous existence, or political party;

172 b. Accepts contributions for the purpose of expressly
173 advocating the election or defeat of a candidate or the passage
174 or defeat of an issue;

175 c. Makes expenditures that expressly advocate the election
176 or defeat of a candidate or the passage or defeat of an issue;
177 or

178 d. Makes contributions to a common fund, other than a
179 joint checking account between spouses, from which contributions
180 are made to any candidate, political committee, committee of
181 continuous existence, or political party;:-

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182 2. The sponsor of a proposed constitutional amendment by
183 initiative who intends to seek the signatures of registered
184 electors.

185 (b) Notwithstanding paragraph (a), the following entities
186 are not considered political committees for purposes of this
187 chapter:

188 1. Organizations which are certified by the Department of
189 State as committees of continuous existence pursuant to s.
190 106.04, national political parties, and the state and county
191 executive committees of political parties regulated by chapter
192 103.

193 2. Corporations regulated by chapter 607 or chapter 617 or
194 other business entities formed for purposes other than to
195 support or oppose issues or candidates, if their political
196 activities are limited to contributions to candidates, political
197 parties, or political committees or expenditures in support of
198 or opposition to an issue from corporate or business funds and
199 if no contributions are received by such corporations or
200 business entities.

201 3. Organizations whose activities are limited to making
202 expenditures for electioneering communications or accepting
203 contributions for the purpose of making electioneering
204 communications; however, such organizations shall be required to
205 register and report contributions, including those received from
206 committees of continuous existence, and expenditures in the same
207 manner, at the same time, subject to the same penalties, and
208 with the same filing officer as a political committee supporting
209 or opposing a candidate or issue contained in the electioneering

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210 communication. If any such organization would be required to
211 register and report with more than one filing officer, the
212 organization shall register and report solely with the Division
213 of Elections.

214 (2) "Committee of continuous existence" means any group,
215 organization, association, or other such entity which is
216 certified pursuant to the provisions of s. 106.04.

217 (3) "Contribution" means:

218 (a) A gift, subscription, conveyance, deposit, loan,
219 payment, or distribution of money or anything of value,
220 including contributions in kind having an attributable monetary
221 value in any form, made for the purpose of influencing the
222 results of an election or making an electioneering
223 communication.

224 (b) A transfer of funds between political committees,
225 between committees of continuous existence, or between a
226 political committee and a committee of continuous existence.

227 (c) The payment, by any person other than a candidate or
228 political committee, of compensation for the personal services
229 of another person which are rendered to a candidate or political
230 committee without charge to the candidate or committee for such
231 services.

232 (d) The transfer of funds by a campaign treasurer or
233 deputy campaign treasurer between a primary depository and a
234 separate interest-bearing account or certificate of deposit, and
235 the term includes any interest earned on such account or
236 certificate.

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238 Notwithstanding the foregoing meanings of "contribution," the
239 word shall not be construed to include services, including, but
240 not limited to, legal and accounting services, provided without
241 compensation by individuals volunteering a portion or all of
242 their time on behalf of a candidate or political committee.
243 This definition shall not be construed to include editorial
244 endorsements.

245 (4)(a) "Expenditure" means a purchase, payment,
246 distribution, loan, advance, transfer of funds by a campaign
247 treasurer or deputy campaign treasurer between a primary
248 depository and a separate interest-bearing account or
249 certificate of deposit, or gift of money or anything of value
250 made for the purpose of influencing the results of an election
251 or making an electioneering communication. However,
252 "expenditure" does not include a purchase, payment,
253 distribution, loan, advance, or gift of money or anything of
254 value made for the purpose of influencing the results of an
255 election when made by an organization, in existence prior to the
256 time during which a candidate qualifies or an issue is placed on
257 the ballot for that election, for the purpose of printing or
258 distributing such organization's newsletter, containing a
259 statement by such organization in support of or opposition to a
260 candidate or issue, which newsletter is distributed only to
261 members of such organization.

262 (b) As used in this chapter, an "expenditure" for an
263 electioneering communication is made when the earliest of the
264 following occurs:

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265 | 1. A person executes a contract for applicable goods or
266 | services;

267 | 2. A person makes payment, in whole or in part, for
268 | applicable goods or services; or

269 | 3. The electioneering communication is publicly
270 | disseminated.

271 | (5)(a) "Independent expenditure" means an expenditure by a
272 | person for the purpose of expressly advocating the election or
273 | defeat of a candidate or the approval or rejection of an issue,
274 | which expenditure is not controlled by, coordinated with, or
275 | made upon consultation with, any candidate, political committee,
276 | or agent of such candidate or committee. An expenditure for
277 | such purpose by a person having a contract with the candidate,
278 | political committee, or agent of such candidate or committee in
279 | a given election period shall not be deemed an independent
280 | expenditure.

281 | (b) An expenditure for the purpose of expressly advocating
282 | the election or defeat of a candidate which is made by the
283 | national, state, or county executive committee of a political
284 | party, including any subordinate committee of a national, state,
285 | or county committee of a political party, or by any political
286 | committee or committee of continuous existence, or any other
287 | person, shall not be considered an independent expenditure if
288 | the committee or person:

289 | 1. Communicates with the candidate, the candidate's
290 | campaign, or an agent of the candidate acting on behalf of the
291 | candidate, including any pollster, media consultant, advertising
292 | agency, vendor, advisor, or staff member, concerning the

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293 preparation of, use of, or payment for, the specific expenditure
294 or advertising campaign at issue; or

295 2. Makes a payment in cooperation, consultation, or
296 concert with, at the request or suggestion of, or pursuant to
297 any general or particular understanding with the candidate, the
298 candidate's campaign, a political committee supporting the
299 candidate, or an agent of the candidate relating to the specific
300 expenditure or advertising campaign at issue; or

301 3. Makes a payment for the dissemination, distribution, or
302 republication, in whole or in part, of any broadcast or any
303 written, graphic, or other form of campaign material prepared by
304 the candidate, the candidate's campaign, or an agent of the
305 candidate, including any pollster, media consultant, advertising
306 agency, vendor, advisor, or staff member; or

307 4. Makes a payment based on information about the
308 candidate's plans, projects, or needs communicated to a member
309 of the committee or person by the candidate or an agent of the
310 candidate, provided the committee or person uses the information
311 in any way, in whole or in part, either directly or indirectly,
312 to design, prepare, or pay for the specific expenditure or
313 advertising campaign at issue; or

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

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320 a. Any officer, director, employee, or agent of a
321 national, state, or county executive committee of a political
322 party that has made or intends to make expenditures in
323 connection with or contributions to the candidate; or

324 b. Any person whose professional services have been
325 retained by a national, state, or county executive committee of
326 a political party that has made or intends to make expenditures
327 in connection with or contributions to the candidate; or

328 6. After the last day of qualifying for statewide or
329 legislative office, retains the professional services of any
330 person also providing those services to the candidate in
331 connection with the candidate's pursuit of election to office;
332 or

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

335 (6) "Election" means any primary election, special primary
336 election, general election, special election, or municipal
337 election held in this state for the purpose of nominating or
338 electing candidates to public office, choosing delegates to the
339 national nominating conventions of political parties, or
340 submitting an issue to the electors for their approval or
341 rejection.

342 (7) "Issue" means any proposition which is required by the
343 State Constitution, by law or resolution of the Legislature, or
344 by the charter, ordinance, or resolution of any political
345 subdivision of this state to be submitted to the electors for
346 their approval or rejection at an election, or any proposition

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347 for which a petition is circulated in order to have such
348 proposition placed on the ballot at any election.

349 (8) "Person" means an individual or a corporation,
350 association, firm, partnership, joint venture, joint stock
351 company, club, organization, estate, trust, business trust,
352 syndicate, or other combination of individuals having collective
353 capacity. The term includes a political party, political
354 committee, or committee of continuous existence.

355 (9) "Campaign treasurer" means an individual appointed by
356 a candidate or political committee as provided in this chapter.

357 (10) "Public office" means any state, county, municipal,
358 or school or other district office or position which is filled
359 by vote of the electors.

360 (11) "Campaign fund raiser" means any affair held to raise
361 funds to be used in a campaign for public office.

362 (12) "Division" means the Division of Elections of the
363 Department of State.

364 (13) "Communications media" means broadcasting stations,
365 newspapers, magazines, outdoor advertising facilities, printers,
366 direct mailing companies, advertising agencies, the Internet,
367 and telephone companies; but with respect to telephones, an
368 expenditure shall be deemed to be an expenditure for the use of
369 communications media only if made for the costs of telephones,
370 paid telephonists, or automatic telephone equipment to be used
371 by a candidate or a political committee to communicate with
372 potential voters but excluding any costs of telephones incurred
373 by a volunteer for use of telephones by such volunteer; however,
374 with respect to the Internet, an expenditure shall be deemed an

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375 expenditure for use of communications media only if made for the
376 cost of creating or disseminating a message on a computer
377 information system accessible by more than one person but
378 excluding internal communications of a campaign or of any group.

379 (14) "Filing officer" means the person before whom a
380 candidate qualifies, the agency or officer with whom a political
381 committee registers, or the agency by whom a committee of
382 continuous existence is certified.

383 (15) "Unopposed candidate" means a candidate for
384 nomination or election to an office who, after the last day on
385 which any person, including a write-in candidate, may qualify,
386 is without opposition in the election at which the office is to
387 be filled or who is without such opposition after such date as a
388 result of any primary election or of withdrawal by other
389 candidates seeking the same office. A candidate is not an
390 unopposed candidate if there is a vacancy to be filled under s.
391 100.111(4), if there is a legal proceeding pending regarding the
392 right to a ballot position for the office sought by the
393 candidate, or if the candidate is seeking retention as a justice
394 or judge.

395 (16) "Candidate" means any person to whom any one or more
396 of the following apply:

397 (a) Any person who seeks to qualify for nomination or
398 election by means of the petitioning process.

399 (b) Any person who seeks to qualify for election as a
400 write-in candidate.

401 (c) Any person who receives contributions or makes
402 expenditures, or consents for any other person to receive

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403 contributions or make expenditures, with a view to bring about
404 his or her nomination or election to, or retention in, public
405 office.

406 (d) Any person who appoints a treasurer and designates a
407 primary depository.

408 (e) Any person who files qualification papers and
409 subscribes to a candidate's oath as required by law.

410

411 However, this definition does not include any candidate for a
412 political party executive committee.

413 (17) "Political advertisement" means a paid expression in
414 any communications media prescribed in subsection (13), whether
415 radio, television, newspaper, magazine, periodical, campaign
416 literature, direct mail, or display or by means other than the
417 spoken word in direct conversation, which expressly advocates
418 the election or defeat of a candidate or the approval or
419 rejection of an issue ~~shall support or oppose any candidate,~~
420 ~~elected public official, or issue.~~ However, political
421 advertisement does not include:

422 (a) A statement by an organization, in existence prior to
423 the time during which a candidate qualifies or an issue is
424 placed on the ballot for that election, in support of or
425 opposition to a candidate or issue, in that organization's
426 newsletter, which newsletter is distributed only to the members
427 of that organization.

428 (b) Editorial endorsements by any newspaper, radio or
429 television station, or other recognized news medium.

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430 (18)(a) "Electioneering communication" means a paid
431 expression in any communications media prescribed in subsection
432 (13) by means other than the spoken word in direct conversation
433 that:

434 1. Refers to or depicts a clearly identified candidate for
435 office or contains a clear reference indicating that an issue is
436 to be voted on at an election, without expressly advocating the
437 election or defeat of a candidate or the passage or defeat of an
438 issue.

439 2. For communications referring to or depicting a clearly
440 identified candidate for office, is targeted to the relevant
441 electorate. A communication is considered targeted if 1,000 or
442 more persons in the geographic area the candidate would
443 represent if elected will receive the communication.

444 3. For communications referring to or depicting a clearly
445 identified candidate for office, is published after the end of
446 the candidate qualifying period for the office sought by the
447 candidate.

448 4. For communications containing a clear reference
449 indicating that an issue is to be voted on at an election, is
450 published after the issue is designated a ballot position or 120
451 days before the date of the election on the issue, whichever
452 occurs first.

453 (b) The term "electioneering communication" does not
454 include:

455 1. A statement or depiction by an organization, in
456 existence prior to the time during which a candidate named or
457 depicted qualifies or an issue identified is placed on the

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458 ballot for that election, made in that organization's
459 newsletter, which newsletter is distributed only to members of
460 that organization.

461 2. An editorial endorsement, news story, commentary, or
462 editorial by any newspaper, radio, television station, or other
463 recognized news medium.

464 3. A communication that constitutes a public debate or
465 forum that includes at least two opposing candidates for an
466 office or one advocate and one opponent of an issue, or that
467 solely promotes such a debate or forum and is made by or on
468 behalf of the person sponsoring the debate or forum, provided
469 that:

470 a. The staging organization is either:

471 (I) A charitable organization that does not make other
472 electioneering communications and does not otherwise support or
473 oppose any political candidate or political party; or

474 (II) A newspaper, radio station, television station, or
475 other recognized news medium; and

476 b. The staging organization does not structure the debate
477 to promote or advance one candidate or issue position over
478 another.

479 (c) For purposes of this chapter, an expenditure made for,
480 or in furtherance of, an electioneering communication shall not
481 be considered a contribution to or on behalf of any candidate.

482 (d) For purposes of this chapter, an electioneering
483 communication shall not constitute an independent expenditure
484 nor be subject to the limitations applicable to independent
485 expenditures.

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486 Section 8. Effective July 1, 2004, and operating
487 retroactively to January 1, 2002, subsection (3) of section
488 106.021, Florida Statutes, is amended to read:

489 106.021 Campaign treasurers; deputies; primary and
490 secondary depositories.--

491 (3) ~~Except for independent expenditures,~~ No contribution
492 or expenditure, including contributions or expenditures of a
493 candidate or of the candidate's family, shall be directly or
494 indirectly made or received in furtherance of the candidacy of
495 any person for nomination or election to political office in the
496 state or on behalf of any political committee except through the
497 duly appointed campaign treasurer of the candidate or political
498 committee, subject to the following exceptions: ~~however,~~

499 (a) Independent expenditures;

500 (b) Reimbursements to a candidate or any other individual
501 ~~may be reimbursed~~ for expenses incurred in connection with the
502 campaign or activities of the political committee ~~for travel,~~
503 ~~food and beverage, office supplies, and mementos expressing~~
504 ~~gratitude to campaign supporters~~ by a check drawn upon the
505 campaign account and reported pursuant to s. 106.07(4). After
506 July 1, 2004, the full name and address of each person to whom
507 the candidate or other individual made payment for which
508 reimbursement was made by check drawn upon the campaign account
509 shall be reported pursuant to s. 106.07(4), together with the
510 purpose of such payment;

511 (c) Expenditures made indirectly through a treasurer for
512 goods or services, such as communications media placement or
513 procurement services, campaign signs, insurance, or other

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514 expenditures that include multiple integral components as part
515 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
516 or

517 (d) ~~In addition,~~ Expenditures may be made directly by any
518 political committee or political party regulated by chapter 103
519 for obtaining time, space, or services in or by any
520 communications medium for the purpose of jointly endorsing three
521 or more candidates, and any such expenditure shall not be
522 considered a contribution or expenditure to or on behalf of any
523 such candidates for the purposes of this chapter.

524 Section 9. Section 106.023, Florida Statutes, is amended
525 to read:

526 106.023 Statement of candidate.--

527 (1) Each candidate must file a statement with the
528 qualifying officer within 10 days after filing the appointment
529 of campaign treasurer and designation of campaign depository,
530 stating that the candidate has read and understands the
531 requirements of this chapter. Such statement shall be provided
532 by the filing officer and shall be in substantially the
533 following form:

STATEMENT OF CANDIDATE

534
535
536 I, _____, candidate for the office of _____, have received,
537 read, and understand the requirements of Chapter 106, Florida
538 Statutes.

539
540 . . . (Signature of candidate) (Date) . . .
541

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542 Willful failure to file this form is a violation of ss.
543 106.19(1)(c) and 106.25(3), F.S.

544 (2) The execution and filing of the statement of candidate
545 does not in and of itself create a presumption that any
546 violation of this chapter or chapter 104 is a willful violation
547 as defined in s. 106.37.

548 Section 10. Subsections (4) and (5) and paragraph (a) of
549 subsection (8) of section 106.04, Florida Statutes, are amended
550 to read:

551 106.04 Committees of continuous existence.--

552 (4)(a) Each committee of continuous existence shall file
553 an annual report with the Division of Elections during the month
554 of January. Such annual reports shall contain the same
555 information and shall be accompanied by the same materials as
556 original applications filed pursuant to subsection (2). However,
557 the charter or bylaws need not be filed if the annual report is
558 accompanied by a sworn statement by the chair that no changes
559 have been made to such charter or bylaws since the last filing.

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

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

568 (c) All committees of continuous existence shall file the
569 original and one copy of their reports with the Division of

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570 Elections. In addition, a duplicate copy of each report shall
571 be filed with the supervisor of elections in the county in which
572 the committee maintains its books and records, except that if
573 the filing officer to whom the committee is required to report
574 is located in the same county as the supervisor no such
575 duplicate report is required to be filed with the supervisor.
576 Reports shall be on forms provided by the division and shall
577 contain the following information:

578 1. The full name, address, and occupation of each person
579 who has made one or more contributions, including contributions
580 that represent the payment of membership dues, to the committee
581 during the reporting period, together with the amounts and dates
582 of such contributions. For corporations, the report must provide
583 as clear a description as practicable of the principal type of
584 business conducted by the corporation. However, if the
585 contribution is \$100 or less, the occupation of the contributor
586 or principal type of business need not be listed. However, for
587 any contributions that ~~which~~ represent the payment of dues by
588 members in a fixed amount aggregating no more than \$250 per
589 calendar year, pursuant to the schedule on file with the
590 Division of Elections, only the aggregate amount of such
591 contributions need be listed, together with the number of
592 members paying such dues and the amount of the membership dues.

593 2. The name and address of each political committee or
594 committee of continuous existence from which the reporting
595 committee received, or the name and address of each political
596 committee, committee of continuous existence, or political party

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597 to which it made, any transfer of funds, together with the
598 amounts and dates of all transfers.

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

602 4. The name and address of, and office sought by, each
603 candidate to whom the committee has made a contribution during
604 the reporting period, together with the amount and date of each
605 contribution.

606 5. The full name and address of each person to whom
607 expenditures have been made by or on behalf of the committee
608 within the reporting period; the amount, date, and purpose of
609 each such expenditure; and the name and address, and office
610 sought by, each candidate on whose behalf such expenditure was
611 made.

612 6. The total sum of expenditures made by the committee
613 during the reporting period.

614 (d) The treasurer of each committee shall certify as to
615 the correctness of each report and shall bear the responsibility
616 for its accuracy and veracity. Any treasurer who willfully
617 certifies to the correctness of a report while knowing that such
618 report is incorrect, false, or incomplete commits a misdemeanor
619 of the first degree, punishable as provided in s. 775.082 or s.
620 775.083.

621 (5) No committee of continuous existence shall make an
622 electioneering communication, contribute to any candidate or
623 political committee an amount in excess of the limits contained
624 in s. 106.08(1), or participate in any ~~other~~ activity which is

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625 prohibited by this chapter. If any violation occurs, it shall be
626 punishable as provided in this chapter for the given offense.
627 No funds of a committee of continuous existence shall be
628 expended on behalf of a candidate, except by means of a
629 contribution made through the duly appointed campaign treasurer
630 of a candidate. No such committee shall make expenditures in
631 support of, or in opposition to, an issue unless such committee
632 first registers as a political committee pursuant to this
633 chapter and undertakes all the practices and procedures required
634 thereof; provided such committee may make contributions in a
635 total amount not to exceed 25 percent of its aggregate income,
636 as reflected in the annual report filed for the previous year,
637 to one or more political committees registered pursuant to s.
638 106.03 and formed to support or oppose issues.

639 (8)(a) Any committee of continuous existence failing to
640 file a report on the designated due date shall be subject to a
641 fine. The fine shall be \$50 per day for the first 3 days late
642 and, thereafter, \$500 per day for each late day, not to exceed
643 25 percent of the total receipts or expenditures, whichever is
644 greater, for the period covered by the late report. The fine
645 shall be assessed by the filing officer, and the moneys
646 collected shall be deposited in the General Revenue Elections
647 Commission Trust Fund. No separate fine shall be assessed for
648 failure to file a copy of any report required by this section.

649 Section 11. Paragraph (a) of subsection (2), paragraph (a)
650 of subsection (4), and paragraphs (a), (c), and (d) of
651 subsection (8) of section 106.07, Florida Statutes, are amended
652 to read:

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653 106.07 Reports; certification and filing.--
654 (2)(a) All reports required of a candidate by this section
655 shall be filed with the officer before whom the candidate is
656 required by law to qualify. All candidates who file with the
657 Department of State shall file the original and one copy of
658 their reports. In addition, a copy of each report for candidates
659 for other than statewide office who qualify with the Department
660 of State shall be filed with the supervisor of elections in the
661 county where the candidate resides. Reports shall be filed not
662 later than 5 p.m. of the day designated; however, any report
663 postmarked by the United States Postal Service no later than
664 midnight of the day designated shall be deemed to have been
665 filed in a timely manner. Any report received by the filing
666 officer within 5 days after the designated due date that was
667 delivered by the United States Postal Service shall be deemed
668 timely filed unless it has a postmark that indicates that the
669 report was mailed after the designated due date. A certificate
670 of mailing obtained from and dated by the United States Postal
671 Service at the time of mailing, or a receipt from an established
672 courier company, which bears a date on or before the date on
673 which the report is due, shall be proof of mailing in a timely
674 manner. Reports shall contain information of all previously
675 unreported contributions received and expenditures made as of
676 the preceding Friday, except that the report filed on the Friday
677 immediately preceding the election shall contain information of
678 all previously unreported contributions received and
679 expenditures made as of the day preceding that designated due
680 date. All such reports shall be open to public inspection.

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681 (4)(a) Each report required by this section shall contain:

682 1. The full name, address, and occupation, if any of each
683 person who has made one or more contributions to or for such
684 committee or candidate within the reporting period, together
685 with the amount and date of such contributions. For
686 corporations, the report must provide as clear a description as
687 practicable of the principal type of business conducted by the
688 corporation. However, if the contribution is \$100 or less or is
689 from a relative, as defined in s. 112.312, provided that the
690 relationship is reported, the occupation of the contributor or
691 the principal type of business need not be listed.

692 2. The name and address of each political committee from
693 which the reporting committee or the candidate received, or to
694 which the reporting committee or candidate made, any transfer of
695 funds, together with the amounts and dates of all transfers.

696 3. Each loan for campaign purposes to or from any person
697 or political committee within the reporting period, together
698 with the full names, addresses, and occupations, and principal
699 places of business, if any, of the lender and endorsers, if any,
700 and the date and amount of such loans.

701 4. A statement of each contribution, rebate, refund, or
702 other receipt not otherwise listed under subparagraphs 1.
703 through 3.

704 5. The total sums of all loans, in-kind contributions, and
705 other receipts by or for such committee or candidate during the
706 reporting period. The reporting forms shall be designed to
707 elicit separate totals for in-kind contributions, loans, and
708 other receipts.

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709 6. The full name and address of each person to whom
710 expenditures have been made by or on behalf of the committee or
711 candidate within the reporting period; the amount, date, and
712 purpose of each such expenditure; and the name and address of,
713 and office sought by, each candidate on whose behalf such
714 expenditure was made. However, expenditures made from the petty
715 cash fund provided by s. 106.12 need not be reported
716 individually.

717 7. The full name and address of each person to whom an
718 expenditure for personal services, salary, or reimbursement for
719 authorized expenses as provided in s. 106.021(3) has been made
720 and which is not otherwise reported, including the amount, date,
721 and purpose of such expenditure. However, expenditures made from
722 the petty cash fund provided for in s. 106.12 need not be
723 reported individually.

724 8. The total amount withdrawn and the total amount spent
725 for petty cash purposes pursuant to this chapter during the
726 reporting period.

727 9. The total sum of expenditures made by such committee or
728 candidate during the reporting period.

729 10. The amount and nature of debts and obligations owed by
730 or to the committee or candidate, which relate to the conduct of
731 any political campaign.

732 11. A copy of each credit card statement which shall be
733 included in the next report following receipt thereof by the
734 candidate or political committee. Receipts for each credit card
735 purchase shall be retained by the treasurer with the records for
736 the campaign account.

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737 12. The amount and nature of any separate interest-bearing
738 accounts or certificates of deposit and identification of the
739 financial institution in which such accounts or certificates of
740 deposit are located.

741 13. The primary purposes of an expenditure made indirectly
742 through a campaign treasurer pursuant to s. 106.021(3) for goods
743 and services such as communications media placement or
744 procurement services, campaign signs, insurance, and other
745 expenditures that include multiple components as part of the
746 expenditure. The primary purpose of an expenditure shall be that
747 purpose, including integral and directly related components,
748 that comprises 80 percent of such expenditure.

749 (8)(a) Any candidate or political committee failing to
750 file a report on the designated due date shall be subject to a
751 fine as provided in paragraph (b) for each late day, and, in the
752 case of a candidate, such fine shall be paid only from personal
753 funds of the candidate. The fine shall be assessed by the filing
754 officer and the moneys collected shall be deposited:

755 1. In the General Revenue Elections Commission Trust Fund,
756 in the case of a candidate for state office or a political
757 committee that registers with the Division of Elections; or

758 2. In the general revenue fund of the political
759 subdivision, in the case of a candidate for an office of a
760 political subdivision or a political committee that registers
761 with an officer of a political subdivision.

762
763 No separate fine shall be assessed for failure to file a copy of
764 any report required by this section.

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765 (c) Any candidate or chair of a political committee may
766 appeal or dispute the fine, based upon, but not limited to,
767 unusual circumstances surrounding the failure to file on the
768 designated due date, and may request and shall be entitled to a
769 hearing before the Florida Elections Commission, which shall
770 have the authority to waive the fine in whole or in part. The
771 Florida Elections Commission must consider the mitigating and
772 aggravating circumstances contained in s. 106.265(1) when
773 determining the amount of a fine, if any, to be waived. Any such
774 request shall be made within 20 days after receipt of the notice
775 of payment due. In such case, the candidate or chair of the
776 political committee shall, within the 20-day period, notify the
777 filing officer in writing of his or her intention to bring the
778 matter before the commission.

779 (d) The appropriate filing officer shall notify the
780 Florida Elections Commission of the repeated late filing by a
781 candidate or political committee, the failure of a candidate or
782 political committee to file a report after notice, or the
783 failure to pay the fine imposed. The commission shall
784 investigate only those alleged late filing violations
785 specifically identified by the filing officer and as set forth
786 in the notification. Any other alleged violations must be
787 separately stated and reported by the division to the commission
788 under s. 106.25(2).

789 Section 12. Effective January 1, 2005, paragraph (a) of
790 subsection (2) of section 106.07, Florida Statutes, as amended
791 by this act, and paragraph (b) of subsection (2), subsection

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792 (3), and paragraph (b) of subsection (8) of said section, are
793 amended to read:

794 106.07 Reports; certification and filing.--

795 (2)(a) All reports required of a candidate by this section
796 shall be filed with the officer before whom the candidate is
797 required by law to qualify. All candidates who file with the
798 Department of State shall file ~~the original and one copy of~~
799 their reports pursuant to s. 106.0705. In addition, a copy of
800 each report for candidates for other than statewide office who
801 qualify with the Department of State shall be filed with the
802 supervisor of elections in the county where the candidate
803 resides. Except as provided in s. 106.0705, reports shall be
804 filed not later than 5 p.m. of the day designated; however, any
805 report postmarked by the United States Postal Service no later
806 than midnight of the day designated shall be deemed to have been
807 filed in a timely manner. Any report received by the filing
808 officer within 5 days after the designated due date that was
809 delivered by the United States Postal Service shall be deemed
810 timely filed unless it has a postmark that indicates that the
811 report was mailed after the designated due date. A certificate
812 of mailing obtained from and dated by the United States Postal
813 Service at the time of mailing, or a receipt from an established
814 courier company, which bears a date on or before the date on
815 which the report is due, shall be proof of mailing in a timely
816 manner. Reports shall contain information of all previously
817 unreported contributions received and expenditures made as of
818 the preceding Friday, except that the report filed on the Friday
819 immediately preceding the election shall contain information of

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820 all previously unreported contributions received and
821 expenditures made as of the day preceding that designated due
822 date. All such reports shall be open to public inspection.

823 (b)1. Any report which is deemed to be incomplete by the
824 officer with whom the candidate qualifies shall be accepted on a
825 conditional basis, and the campaign treasurer shall be notified
826 by registered mail as to why the report is incomplete and be
827 given 3 days from receipt of such notice to file an addendum to
828 the report providing all information necessary to complete the
829 report in compliance with this section. Failure to file a
830 complete report after such notice constitutes a violation of
831 this chapter.

832 2. In lieu of the notice by registered mail as required in
833 subparagraph 1., the qualifying officer may notify the campaign
834 treasurer by telephone that the report is incomplete and request
835 the information necessary to complete the report. If, however,
836 such information is not received by the qualifying officer
837 within 3 days after ~~of~~ the telephone request therefor, notice
838 shall be sent by registered mail as provided in subparagraph 1.

839 (3) Reports required of a political committee shall be
840 filed with the agency or officer before whom such committee
841 registers pursuant to s. 106.03(3) and shall be subject to the
842 same filing conditions as established for candidates' reports.
843 ~~Only committees that file with the Department of State shall~~
844 ~~file the original and one copy of their reports.~~ Incomplete
845 reports by political committees shall be treated in the manner
846 provided for incomplete reports by candidates in subsection (2).

847 (8)

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848 (b) Upon determining that a report is late, the filing
849 officer shall immediately notify the candidate or chair of the
850 political committee as to the failure to file a report by the
851 designated due date and that a fine is being assessed for each
852 late day. The fine shall be \$50 per day for the first 3 days
853 late and, thereafter, \$500 per day for each late day, not to
854 exceed 25 percent of the total receipts or expenditures,
855 whichever is greater, for the period covered by the late report.
856 However, for the reports immediately preceding each primary and
857 general election, the fine shall be \$500 per day for each late
858 day, not to exceed 25 percent of the total receipts or
859 expenditures, whichever is greater, for the period covered by
860 the late report. For reports required under s. 106.141(7), the
861 fine is \$50 per day for each late day, not to exceed 25 percent
862 of the total receipts or expenditures, whichever is greater, for
863 the period covered by the late report. Upon receipt of the
864 report, the filing officer shall determine the amount of the
865 fine which is due and shall notify the candidate or chair. The
866 filing officer shall determine the amount of the fine due based
867 upon the earliest of the following:

- 868 1. When the report is actually received by such officer.
- 869 2. When the report is postmarked.
- 870 3. When the certificate of mailing is dated.
- 871 4. When the receipt from an established courier company is
872 dated.
- 873 5. When the electronic receipt issued pursuant to s.
874 106.0705 is dated.

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876 Such fine shall be paid to the filing officer within 20 days
877 after receipt of the notice of payment due, unless appeal is
878 made to the Florida Elections Commission pursuant to paragraph
879 (c). In the case of a candidate, such fine shall not be an
880 allowable campaign expenditure and shall be paid only from
881 personal funds of the candidate. An officer or member of a
882 political committee shall not be personally liable for such
883 fine.

884 Section 13. Effective January 1, 2005, section 106.0705,
885 Florida Statutes, is created to read:

886 106.0705 Electronic filing of campaign treasurer's
887 reports.--

888 (1) As used in this section, "electronic filing system"
889 means an Internet system for recording and reporting campaign
890 finance activity by reporting period.

891 (2)(a) Each candidate who is required to file reports
892 pursuant to s. 106.07 with the division must file such reports
893 with the division by means of the division's electronic filing
894 system.

895 (b) Each political committee, committee of continuous
896 existence, or state executive committee that is required to file
897 reports with the division under s. 106.04, s. 106.07, or s.
898 106.29, as applicable, must file such reports with the division
899 by means of the division's electronic filing system.

900 (c) Each person or organization that is required to file
901 reports with the division under s. 106.071 must file such
902 reports with the division by means of the division's electronic
903 filing system.

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904 (3) Reports filed pursuant to this section shall be
905 completed and filed through the electronic filing system not
906 later than midnight of the day designated. Reports not filed by
907 midnight of the day designated are late filed and are subject to
908 the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3),
909 as applicable.

910 (4) Each report filed pursuant to this section is
911 considered to be under oath by the candidate and treasurer or
912 the chair and treasurer, whichever is applicable, and such
913 persons are subject to the provisions of s. 106.04(4)(d), s.
914 106.07(5), or s. 106.29(2), as applicable. Persons given a
915 secure sign-on to the electronic filing system are responsible
916 for protecting such from disclosure and are responsible for all
917 filings using such credentials, unless they have notified the
918 division that their credentials have been compromised.

919 (5) The electronic filing system developed by the division
920 must:

921 (a) Be based on access by means of the Internet.

922 (b) Be accessible by anyone with Internet access using
923 standard web-browsing software.

924 (c) Provide for direct entry of campaign finance
925 information as well as upload of such information from campaign
926 finance software certified by the division.

927 (d) Provide a method that prevents unauthorized access to
928 electronic filing system functions.

929 (6) The division shall adopt rules pursuant to ss.
930 120.536(1) and 120.54 to administer this section and provide for

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931 the reports required to be filed pursuant to this section. Such
932 rules shall, at a minimum, provide:

933 (a) Alternate filing procedures in case the division's
934 electronic filing system is not operable.

935 (b) For the issuance of an electronic receipt to the
936 person submitting the report indicating and verifying that the
937 report has been filed.

938 Section 14. Section 106.071, Florida Statutes, is amended
939 to read:

940 106.071 Independent expenditures; electioneering
941 communications; reports; disclaimers.--

942 (1) Each person who makes an independent expenditure with
943 respect to any candidate or issue, and each individual who makes
944 an expenditure for an electioneering communication which is not
945 otherwise reported pursuant to this chapter, which expenditure,
946 in the aggregate, is in the amount of \$100 or more, shall file
947 periodic reports of such expenditures in the same manner, at the
948 same time, subject to the same penalties, and with the same
949 officer as a political committee supporting or opposing such
950 candidate or issue. The report shall contain the full name and
951 address of the person making the expenditure; the full name and
952 address of each person to whom and for whom each such
953 expenditure has been made; the amount, date, and purpose of each
954 such expenditure; a description of the services or goods
955 obtained by each such expenditure; the issue to which the
956 expenditure relates; and the name and address of, and office
957 sought by, each candidate on whose behalf such expenditure was
958 made.

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959 (2) Any political advertisement paid for by an independent
 960 expenditure shall prominently state "Paid political
 961 advertisement paid for by . . . (Name and address of person ~~or~~
 962 ~~committee~~ paying for advertisement) . . . independently of any
 963 . . . (candidate or committee) . . . ," ~~and shall contain the~~
 964 ~~name and address of the person paying for the political~~
 965 ~~advertisement.~~

966 (3) Subsection (2) does not apply to novelty items having
 967 a retail value of \$10 or less which support, but do not oppose,
 968 a candidate or issue.

969 (4)(2) Any person who fails to include the disclaimer
 970 prescribed in subsection (2) ~~(1)~~ in any political advertisement
 971 that ~~which~~ is required to contain such disclaimer commits is
 972 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 973 provided in s. 775.082 or s. 775.083.

974 ~~(3) No person may make a contribution in excess of \$1,000~~
 975 ~~to any other person, to be used by such other person to make an~~
 976 ~~independent expenditure.~~

977 Section 15. Paragraph (a) of subsection (4) and subsection
 978 (6) of section 106.141, Florida Statutes, are amended to read:

979 106.141 Disposition of surplus funds by candidates.--

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

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

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

989 3. Give not more than \$10,000 of the funds that have not
990 been spent or obligated to the political party of which such
991 candidate is a member, except that a candidate for the Florida
992 Senate may give not more than \$30,000 of such funds to the
993 political party of which the candidate is a member.

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

995 a. In the case of a candidate for state office, to the
996 state, to be deposited in either the Election Campaign Financing
997 Trust Fund or the General Revenue Fund, as designated by the
998 candidate; or

999 b. In the case of a candidate for an office of a political
1000 subdivision, to such political subdivision, to be deposited in
1001 the general fund thereof.

1002 (6) Prior to disposing of funds pursuant to subsection (4)
1003 or transferring funds into an office account pursuant to
1004 subsection (5), any candidate who filed an oath stating that he
1005 or she was unable to pay the election assessment or fee for
1006 verification of petition signatures without imposing an undue
1007 burden on his or her personal resources or on resources
1008 otherwise available to him or her, or who filed both such oaths,
1009 or who qualified by the alternative method and was not required
1010 to pay an election assessment, shall reimburse the state or
1011 local governmental entity, whichever is applicable, for such
1012 waived assessment or fee or both. Such reimbursement shall be
1013 made first for the cost of petition verification and then, if

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1014 funds are remaining, for the amount of the election assessment.
 1015 If there are insufficient funds in the account to pay the full
 1016 amount of either the assessment or the fee or both, the
 1017 remaining funds shall be disbursed in the above manner until no
 1018 funds remain. All funds disbursed pursuant to this subsection
 1019 shall be remitted to the qualifying officer. Any reimbursement
 1020 for petition verification costs which are reimbursable by the
 1021 state shall be forwarded by the qualifying officer to the state
 1022 for deposit in the General Revenue Fund. All reimbursements for
 1023 the amount of the election assessment shall be forwarded by the
 1024 qualifying officer to the Department of State for deposit in the
 1025 General Revenue ~~Elections Commission Trust~~ Fund.

1026 Section 16. Subsection (1) of section 106.143, Florida
 1027 Statutes, is amended to read:

1028 106.143 Political advertisements circulated prior to
 1029 election; requirements.--

1030 (1)(a) Any political advertisement that is paid for by a
 1031 candidate and that is published, displayed, or circulated prior
 1032 to, or on the day of, any election must prominently state:
 1033 "Political advertisement paid for and approved by . . . (name
 1034 of candidate) . . . , . . . (party affiliation) . . . , for
 1035 . . . (office sought)"

1036 (b) Any other political advertisement ~~and any campaign~~
 1037 ~~literature~~ published, displayed, or circulated prior to, or on
 1038 the day of, any election must prominently shall:

1039 1.(a) Be marked "paid political advertisement" or with the
 1040 abbreviation "pd. pol. adv."

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1041 2. State the name and address of the persons sponsoring
1042 the advertisement.

1043 ~~(b) Identify the persons or organizations sponsoring the~~
1044 ~~advertisement.~~

1045 3.a.(I)(e)1.a. State whether the advertisement and the
1046 cost of production is paid for or provided in kind by or at the
1047 expense of the entity publishing, displaying, broadcasting, or
1048 circulating the political advertisement; or

1049 ~~(II)b.~~ State who provided or paid for the advertisement
1050 and cost of production, if different from the source of
1051 sponsorship.

1052 ~~b.2.~~ This subparagraph does ~~paragraph shall~~ not apply if
1053 the source of the sponsorship is patently clear from the content
1054 or format of the political advertisement ~~or campaign literature.~~

1055
1056 This subsection does not apply to campaign messages used by a
1057 candidate and the candidate's supporters if those messages are
1058 designed to be worn by a person.

1059 Section 17. Section 106.1437, Florida Statutes, is amended
1060 to read:

1061 106.1437 Miscellaneous advertisements.--Any advertisement,
1062 other than a political advertisement, independent expenditure,
1063 or electioneering communication, on billboards, bumper stickers,
1064 radio, or television, or in a newspaper, a magazine, or a
1065 periodical, intended to influence public policy or the vote of a
1066 public official, shall clearly designate the sponsor of such
1067 advertisement by including a clearly readable statement of
1068 sponsorship. If the advertisement is broadcast on television,

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1069 the advertisement shall also contain a verbal statement of
1070 sponsorship. This section shall not apply to an editorial
1071 endorsement.

1072 Section 18. Section 106.1439, Florida Statutes, is created
1073 to read:

1074 106.1439 Electioneering communications; disclaimers.--

1075 (1) Any electioneering communication shall prominently
1076 state, "Paid electioneering communication paid for by . . .
1077 (Name and address of person paying for the communication) . . .
1078 ."

1079 (2) Any person who fails to include the disclaimer
1080 prescribed in this section in any electioneering communication
1081 that is required to contain such disclaimer commits a
1082 misdemeanor of the first degree, punishable as provided in s.
1083 775.082 or s. 775.083.

1084 Section 19. Section 106.148, Florida Statutes, is
1085 repealed.

1086 Section 20. Subsections (2) and (4) of section 106.25,
1087 Florida Statutes, are amended to read:

1088 106.25 Reports of alleged violations to Florida Elections
1089 Commission; disposition of findings.--

1090 (2) The commission shall investigate all violations of
1091 this chapter and chapter 104, but only after having received
1092 either a sworn complaint or information reported to it under
1093 this subsection by the Division of Elections. Any person, other
1094 than the division, having information of any violation of this
1095 chapter or chapter 104 shall file a sworn complaint with the
1096 commission. The commission shall investigate only those alleged

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1097 violations specifically contained within the sworn complaint. If
1098 any complainant fails to allege all violations that arise from
1099 the facts or allegations alleged in a complaint, the commission
1100 shall be barred from investigating a subsequent complaint from
1101 such complainant that is based upon such facts or allegations
1102 that were raised or could have been raised in the first
1103 complaint. Such sworn complaint shall state whether a complaint
1104 of the same violation has been made to any state attorney.
1105 Within 5 days after receipt of a sworn complaint, the commission
1106 shall transmit a copy of the complaint to the alleged violator.
1107 All sworn complaints alleging violations of the Florida Election
1108 Code over which the commission has jurisdiction shall be filed
1109 with the commission within 2 years after ~~of~~ the alleged
1110 violations. The period of limitations is tolled on the day a
1111 sworn complaint is filed with the commission.

1112 (4) The commission shall undertake a preliminary
1113 investigation to determine if the facts alleged in a sworn
1114 complaint or a matter initiated by the division constitute
1115 probable cause to believe that a violation has occurred. The
1116 respondent, the complainant, and their respective counsels shall
1117 be permitted to attend the hearing at which the probable cause
1118 determination is made. Notice of the hearing shall be sent to
1119 the respondent and the complainant at least 14 days prior to the
1120 date of the hearing. The respondent and his or her counsel shall
1121 be permitted to make a brief oral statement in the nature of
1122 oral argument to the commission before the probable cause
1123 determination. The commission's determination shall be based
1124 upon the investigator's report, the complaint, and staff

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1125 recommendations, as well as any written statements submitted by
1126 the respondent and any oral statements made at the hearing. No
1127 testimony or other evidence shall be accepted at the hearing.

1128 Upon completion of the preliminary investigation, the commission
1129 shall, by written report, find probable cause or no probable
1130 cause to believe that this chapter or chapter 104 has been
1131 violated.

1132 (a) If no probable cause is found, the commission shall
1133 dismiss the case and the case shall become a matter of public
1134 record, except as otherwise provided in this section, together
1135 with a written statement of the findings of the preliminary
1136 investigation and a summary of the facts which the commission
1137 shall send to the complainant and the alleged violator.

1138 (b) If probable cause is found, the commission shall so
1139 notify the complainant and the alleged violator in writing. All
1140 documents made or received in the disposition of the complaint
1141 shall become public records upon a finding by the commission.
1142

1143 In a case where probable cause is found, the commission shall
1144 make a preliminary determination to consider the matter or to
1145 refer the matter to the state attorney for the judicial circuit
1146 in which the alleged violation occurred.

1147 Section 21. Subsection (5) is added to section 106.265,
1148 Florida Statutes, to read:

1149 106.265 Civil penalties.--

1150 (5) In any case in which the commission determines that a
1151 person has filed a complaint against another person with a
1152 malicious intent to injure the reputation of the person

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1153 complained against by filing the complaint with knowledge that
1154 the complaint contains one or more false allegations or with
1155 reckless disregard for whether the complaint contains false
1156 allegations of fact material to a violation of this chapter or
1157 chapter 104, the complainant shall be liable for costs and
1158 reasonable attorney's fees incurred in the defense of the person
1159 complained against, including the costs and reasonable
1160 attorney's fees incurred in proving entitlement to and the
1161 amount of costs and fees. If the complainant fails to pay such
1162 costs and fees voluntarily within 30 days following such finding
1163 by the commission, the commission shall forward such information
1164 to the Department of Legal Affairs, which shall bring a civil
1165 action in a court of competent jurisdiction to recover the
1166 amount of such costs and fees awarded by the commission.

1167 Section 22. Paragraph (a) of subsection (3) of section
1168 106.29, Florida Statutes, is amended to read:

1169 106.29 Reports by political parties; restrictions on
1170 contributions and expenditures; penalties.--

1171 (3)(a) Any state or county executive committee failing to
1172 file a report on the designated due date shall be subject to a
1173 fine as provided in paragraph (b) for each late day. The fine
1174 shall be assessed by the filing officer, and the moneys
1175 collected shall be deposited in the General Revenue Elections
1176 ~~Commission Trust~~ Fund.

1177 Section 23. Effective January 1, 2005, paragraph (b) of
1178 subsection (3) of section 106.29, Florida Statutes, is amended
1179 to read:

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1180 106.29 Reports by political parties; restrictions on
1181 contributions and expenditures; penalties.--

1182 (3)

1183 (b) Upon determining that a report is late, the filing
1184 officer shall immediately notify the chair of the executive
1185 committee as to the failure to file a report by the designated
1186 due date and that a fine is being assessed for each late day.
1187 The fine shall be \$1,000 for a state executive committee, and
1188 \$50 for a county executive committee, per day for each late day,
1189 not to exceed 25 percent of the total receipts or expenditures,
1190 whichever is greater, for the period covered by the late report.
1191 However, if an executive committee fails to file a report on the
1192 Friday immediately preceding the general election, the fine
1193 shall be \$10,000 per day for each day a state executive
1194 committee is late and \$500 per day for each day a county
1195 executive committee is late. Upon receipt of the report, the
1196 filing officer shall determine the amount of the fine which is
1197 due and shall notify the chair. The filing officer shall
1198 determine the amount of the fine due based upon the earliest of
1199 the following:

- 1200 1. When the report is actually received by such officer.
- 1201 2. When the report is postmarked.
- 1202 3. When the certificate of mailing is dated.
- 1203 4. When the receipt from an established courier company is
1204 dated.
- 1205 5. When the electronic receipt issued pursuant to s.
1206 106.0705 is dated.

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1208 Such fine shall be paid to the filing officer within 20 days
1209 after receipt of the notice of payment due, unless appeal is
1210 made to the Florida Elections Commission pursuant to paragraph
1211 (c). An officer or member of an executive committee shall not be
1212 personally liable for such fine.

1213 Section 24. To provide for uniformity of the proceedings,
1214 the amendments to sections 106.021, 106.023, 106.04(8), 106.07,
1215 and 106.25, Florida Statutes, in sections 8, 9, 10, 11, and 20
1216 of this act, respectively, shall apply to all cases before the
1217 Florida Elections Commission pending on or filed on or after the
1218 effective date of this act.

1219 Section 25. If any provision of this act or its
1220 application to any person or circumstance is held invalid, the
1221 invalidity does not affect other provisions or applications of
1222 the act which can be given effect without the invalid provision
1223 or application, and to this end the provisions of this act are
1224 severable.

1225 Section 26. Except as otherwise provided herein, this act
1226 shall take effect July 1, 2004.

1227
1228 ===== T I T L E A M E N D M E N T =====

1229 Remove the entire title and insert:

1230 A bill to be entitled
1231 An act relating to elections; providing a popular name;
1232 amending s. 97.021, F.S.; defining the term "early
1233 voting"; amending s. 101.015, F.S.; requiring supervisors
1234 of elections to include written procedures for early
1235 voting in their accuracy and security procedures and to

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1236 submit any revisions to those security procedures within a
1237 specified period before early voting commences; amending
1238 s. 101.5612, F.S.; providing for testing of tabulating
1239 equipment prior to commencement of early voting and notice
1240 thereof; amending s. 101.5613, F.S.; specifying the person
1241 responsible for examination of equipment for purposes of
1242 early voting; amending s. 101.657, F.S.; authorizing and
1243 providing requirements for early voting; providing for
1244 designation of certain facilities as early voting sites;
1245 amending s. 106.011, F.S.; redefining the terms "political
1246 committee," "contribution," "expenditure," "independent
1247 expenditure," "communications media," and "political
1248 advertisement"; defining the term "electioneering
1249 communication"; amending s. 106.021, F.S.; providing
1250 exceptions to a prohibition against making certain
1251 contributions or expenditures in connection with a
1252 campaign or activities of a political committee;
1253 authorizing reimbursement of expenses incurred in
1254 connection with a campaign or activities of a political
1255 committee; requiring disclosure of the names and addresses
1256 of persons reimbursed from a campaign account; providing
1257 for retroactive operation; amending s. 106.023, F.S.;
1258 providing that the execution and filing of the statement
1259 of candidate does not in and of itself create a
1260 presumption that a violation of ch. 106 or ch. 104, F.S.,
1261 is a willful violation; amending s. 106.04, F.S.;
1262 modifying contribution reporting requirements for
1263 committees of continuous existence; modifying prohibitions

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1264 on activities of committees of continuous existence;
1265 reducing the fine for late filing of campaign finance
1266 reports by committees of continuous existence for the
1267 first 3 days; providing for deposit of fine proceeds into
1268 the General Revenue Fund; amending s. 106.07, F.S.;
1269 revising requirements for filing campaign reports;
1270 revising requirements with respect to timely filing of
1271 mailed reports; requiring the reporting of the primary
1272 purposes of certain expenditures made indirectly through a
1273 campaign treasurer for certain goods and services;
1274 expanding grounds for appealing or disputing a fine;
1275 requiring the Florida Elections Commission to consider
1276 mitigating and aggravating circumstances in determining
1277 the amount of a fine, if any, to be waived for late-filed
1278 reports; providing for deposit of certain fine proceeds
1279 into the General Revenue Fund; limiting investigation of
1280 alleged late filing violations; providing for electronic
1281 filing of reports; allowing electronic receipts to be used
1282 as proof of filing; creating s. 106.0705, F.S.; providing
1283 for electronic filing of campaign finance reports;
1284 providing standards and guidelines; providing penalties;
1285 providing for adoption of rules; amending s. 106.071,
1286 F.S.; establishing reporting requirements for certain
1287 individuals making electioneering communications;
1288 modifying sponsorship disclaimer requirements for
1289 independent expenditures; creating an exemption; deleting
1290 a limitation on contributions to fund independent
1291 expenditures; amending s. 106.141, F.S.; increasing the

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1292 amount of surplus funds a candidate for the Florida Senate
1293 can turn back to a political party; providing for deposit
1294 into the General Revenue Fund of reimbursed election
1295 assessments; amending s. 106.143, F.S.; modifying
1296 sponsorship disclaimer requirements for political
1297 advertisements; amending s. 106.1437, F.S.; creating
1298 exemptions to disclaimer requirements for certain public
1299 policy advertisements; creating s. 106.1439, F.S.;
1300 creating disclaimer requirements for electioneering
1301 communications; providing penalties; repealing s. 106.148,
1302 F.S., relating to sponsorship disclaimer requirements for
1303 certain computer messages; amending s. 106.25, F.S.;
1304 restricting the alleged violations the commission may
1305 investigate to those specifically contained within a sworn
1306 complaint; providing restrictions on subsequent complaints
1307 based on the same facts or allegations as a prior
1308 complaint; authorizing respondents and complainants and
1309 their counsels to attend hearings at which probable cause
1310 is determined; requiring prior notice; permitting a brief
1311 oral statement; specifying bases for determining probable
1312 cause; amending s. 106.265, F.S.; providing liability of
1313 complainants for costs and reasonable attorney's fees
1314 under certain circumstances; providing for civil actions
1315 to collect such costs and fees; amending s. 106.29, F.S.;
1316 providing that the proceeds of funds assessed against
1317 political parties for the late filing of reports shall be
1318 deposited into the General Revenue Fund; providing for
1319 determination of fine for electronically filed campaign

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1320 | finance reports; providing applicability of certain
1321 | sections of the bill to pending and future cases before
1322 | the Florida Elections Commission; providing for
1323 | severability; providing effective dates.