

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Gannon offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 367-439, and insert:

5 Section 3. Section 106.04, Florida Statutes, is amended to
6 read:

7 106.04 Committees of continuous existence.--

8 (1)(a) In order to qualify as a committee of continuous
9 existence for the purposes of this chapter, a group,
10 organization, association, or other such entity which is formed
11 solely for the purpose of ~~involved in~~ making contributions to
12 candidates, political committees, committees of continuous
13 existence, or political parties, shall meet the following
14 criteria:

15 1.(a) It shall be organized and operated in accordance
16 with a written charter or set of bylaws which contains

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17 | procedures for the election of officers and directors and which
18 | clearly defines membership in the organization; and

19 | 2.(b) At least 25 percent of the income of such
20 | organization, excluding interest, must be derived from dues or
21 | assessments payable on a regular basis by its membership
22 | pursuant to provisions contained in the charter or bylaws.

23 | (b) In addition to making contributions to candidates,
24 | political committees, committees of continuous existence, or
25 | political parties, a committee of continuous existence may only
26 | make expenditures for its own legal, accounting, and
27 | administrative expenses.

28 | (2) Any group, organization, association, or other entity
29 | may seek certification from the Department of State as a
30 | committee of continuous existence by filing an application with
31 | the Division of Elections on a form provided by the division.
32 | Such application shall provide the information required of
33 | political committees by s. 106.03(2), as applicable. Each
34 | application shall be accompanied by the name and street address
35 | of the principal officer of the applying entity as of the date
36 | of the application; a copy of the charter or bylaws of the
37 | organization; a copy of the dues or assessment schedule of the
38 | organization, or formula by which dues or assessments are
39 | levied; and a complete financial statement or annual audit
40 | summarizing all income received, and all expenses incurred, by
41 | the organization during the 12 months preceding the date of
42 | application. A membership list shall be made available for
43 | inspection if deemed necessary by the division.

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44 (3) If the Division of Elections finds that an applying
45 organization meets the criteria for a committee of continuous
46 existence as provided by subsection (1), it shall certify such
47 findings and notify the applying organization of such
48 certification. If it finds that an applying organization does
49 not meet the criteria for certification, it shall notify the
50 organization of such findings and shall state the reasons why
51 such criteria are not met.

52 (4)(a) Each committee of continuous existence shall file
53 an annual report with the Division of Elections during the month
54 of January. Such annual reports shall contain the same
55 information and shall be accompanied by the same materials as
56 original applications filed pursuant to subsection (2). However,
57 the charter or bylaws need not be filed if the annual report is
58 accompanied by a sworn statement by the chair that no changes
59 have been made to such charter or bylaws since the last filing.

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

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

68 (c) All committees of continuous existence shall file the
69 original and one copy of their reports with the Division of
70 Elections. In addition, a duplicate copy of each report shall be
71 filed with the supervisor of elections in the county in which

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72 the committee maintains its books and records, except that if
73 the filing officer to whom the committee is required to report
74 is located in the same county as the supervisor no such
75 duplicate report is required to be filed with the supervisor.
76 Reports shall be on forms provided by the division and shall
77 contain the following information:

78 1. The full name, address, and occupation of each person
79 who has made one or more contributions, including contributions
80 that represent the payment of membership dues, to the committee
81 during the reporting period, together with the amounts and dates
82 of such contributions. For corporations, the report must provide
83 as clear a description as practicable of the principal type of
84 business conducted by the corporation. However, if the
85 contribution is \$100 or less, the occupation of the contributor
86 or principal type of business need not be listed. However, for
87 any contributions that ~~which~~ represent the regular payment of
88 dues by members in a fixed amount not exceeding \$50 per payment
89 and \$250 in the aggregate of such payments per calendar year
90 pursuant to the schedule on file with the Division of Elections,
91 only the aggregate amount of such contributions need be listed,
92 together with the number of members paying such dues and the
93 amount of the membership dues.

94 2. The name and address of each political committee or
95 committee of continuous existence from which the reporting
96 committee received, or the name and address of each political
97 committee, committee of continuous existence, or political party
98 to which it made, any transfer of funds, together with the
99 amounts and dates of all transfers.

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

103 4. The name and address of, and office sought by, each
104 candidate to whom the committee has made a contribution during
105 the reporting period, together with the amount and date of each
106 contribution.

107 5. The date, amount, and description of all expenditures
108 made by the committee, including the full name and address of
109 each person to whom an expenditure for personal services or
110 salary was made.

111 (d) The treasurer of each committee shall certify as to
112 the correctness of each report and shall bear the responsibility
113 for its accuracy and veracity. Any treasurer who willfully
114 certifies to the correctness of a report while knowing that such
115 report is incorrect, false, or incomplete commits a misdemeanor
116 of the first degree, punishable as provided in s. 775.082 or s.
117 775.083.

118 (5) No committee of continuous existence shall contribute
119 to any candidate or political committee an amount in excess of
120 the limits contained in s. 106.08(1) or participate in any other
121 activity which is prohibited by this chapter. If any violation
122 occurs, it shall be punishable as provided in this chapter for
123 the given offense. No funds of a committee of continuous
124 existence shall be expended on behalf of a candidate, except by
125 means of a contribution made through the duly appointed campaign
126 treasurer of a candidate. No such committee shall make
127 expenditures for the purpose of publicly disseminating

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128 ~~electioneering advertisements or in support of, or in opposition~~
129 ~~to, an issue unless such committee first registers as a~~
130 ~~political committee pursuant to this chapter and undertakes all~~
131 ~~the practices and procedures required thereof; provided such~~
132 ~~committee may make contributions in a total amount not to exceed~~
133 ~~25 percent of its aggregate income, as reflected in the annual~~
134 ~~report filed for the previous year, to one or more political~~
135 ~~committees registered pursuant to s. 106.03 and formed to~~
136 ~~support or oppose issues.~~

137 (6) All accounts and records of a committee of continuous
138 existence may be inspected under reasonable circumstances by any
139 authorized representative of the Division of Elections or the
140 Florida Elections Commission. The right of inspection may be
141 enforced by appropriate writ issued by any court of competent
142 jurisdiction.

143 (7) If a committee of continuous existence ceases to meet
144 the criteria prescribed by subsection (1), the Division of
145 Elections shall revoke its certification until such time as the
146 criteria are again met. The Division of Elections shall
147 promulgate rules to prescribe the manner in which such
148 certification shall be revoked. Such rules shall, at a minimum,
149 provide for:

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

152 (b) Adequate opportunity to respond.

153 (c) Appeal of the decision to the Florida Elections
154 Commission. Such appeals shall be exempt from the
155 confidentiality provisions of s. 106.25.

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156 (8)(a) Any committee of continuous existence failing to
157 file a report on the designated due date shall be subject to a
158 fine. The fine shall be \$500 per day for each late day, not to
159 exceed 25 percent of the total receipts or expenditures,
160 whichever is greater, for the period covered by the late report.
161 The fine shall be assessed by the filing officer, and the moneys
162 collected shall be deposited in the Elections Commission Trust
163 Fund. No separate fine shall be assessed for failure to file a
164 copy of any report required by this section.

165 (b) Upon determining that a report is late, the filing
166 officer shall immediately notify the treasurer of the committee
167 as to the failure to file a report by the designated due date
168 and that a fine is being assessed for each late day. Upon
169 receipt of the report, the filing officer shall determine the
170 amount of fine which is due and shall notify the treasurer of
171 the committee. The filing officer shall determine the amount of
172 the fine due based upon the earliest of the following:

- 173 1. When the report is actually received by such officer.
- 174 2. When the report is postmarked.
- 175 3. When the certificate of mailing is dated.
- 176 4. When the receipt from an established courier company is
177 dated.

178
179 Such fine shall be paid to the filing officer within 20 days
180 after receipt of the notice of payment due, unless appeal is
181 made to the Florida Elections Commission pursuant to paragraph
182 (c). An officer or member of a committee shall not be personally
183 liable for such fine.

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184 (c) Any treasurer of a committee may appeal or dispute the
 185 fine, based upon unusual circumstances surrounding the failure
 186 to file on the designated due date, and may request and shall be
 187 entitled to a hearing before the Florida Elections Commission,
 188 which shall have the authority to waive the fine in whole or in
 189 part. Any such request shall be made within 20 days after
 190 receipt of the notice of payment due. In such case, the
 191 treasurer of the committee shall, within the 20-day period,
 192 notify the filing officer in writing of his or her intention to
 193 bring the matter before the commission.

194 (d) The filing officer shall notify the Florida Elections
 195 Commission of the repeated late filing by a committee of
 196 continuous existence, the failure of a committee of continuous
 197 existence to file a report after notice, or the failure to pay
 198 the fine imposed.

199
 200 ===== T I T L E A M E N D M E N T =====
 201 Remove lines 15-20, and insert:
 202 106.04, F.S.; revising qualifications of committees of
 203 continuous existence; restricting the expenditures committees of
 204 continuous existence may make; requiring membership dues of
 205 committees of continuous existence to be reported in the same
 206 manner as regular contributions, with specified exemptions;
 207 revising expenditure reporting requirements; providing