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1 A bill to be entitled

2 An act relating to campaign financing; amending s.
3 106.011, F.S.; revising and providing definitions;
4 amending s. 106.03, F.S.; revising registration
5 requirements of political committees; providing
6 registration requirements for persons publicly
7 disseminating electioneering advertisements; providing for
8 civil penalties; providing definitions; requiring the
9 statement of organization to be sworn to under oath and
10 penalty of perjury; providing for personal liability;
11 revising content requirements of the statement of
12 organization; requiring amendment of the statement of
13 organization under certain circumstances; amending s.
14 106.04, F.S.; imposing limits on membership dues or
15 assessments paid to committees of continuous existence;
16 requiring membership dues of committees of continuous
17 existence to be reported in the same manner as regular
18 contributions, with specified exemptions; requiring
19 reporting of expenditures; prohibiting transfers from
20 committees of continuous existence to certain political
21 committees for certain purposes; providing penalties;
22 creating s. 106.0705, F.S.; providing for electronic
23 filing of campaign treasurer's reports; providing a
24 definition; providing standards and guidelines; requiring
25 the Division of Elections to adopt rules to administer the
26 electronic filing system and its reports; amending s.
27 106.08, F.S.; providing applicability of contribution
28 limits to related entities; providing limits on
29 contributions to committees of continuous existence;

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30 providing penalties; creating s. 106.1439, F.S.; requiring
 31 reporting of contributions and expenditures for
 32 electioneering advertisements; providing definitions;
 33 providing filing requirements; providing for personal
 34 liability; requiring disclosure statements in such
 35 advertisements and providing requirements thereof;
 36 prohibiting certain contributions; providing penalties;
 37 reenacting ss. 106.075(2) and 106.19(1)(a), F.S., and s.
 38 30(5), ch. 2003-415, Laws of Florida, relating to
 39 limitations on contributions to pay loans, acceptance of
 40 contributions in excess of the prescribed limits, and
 41 applicability of contribution limits to the 2004
 42 elections, respectively, to incorporate the amendment to
 43 s. 106.08, F.S., in references thereto; providing
 44 severability; providing effective dates.

45

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

47

48 Section 1. Subsections (1), (3), (4), (5), (8), (13), and
 49 (17) of section 106.011, Florida Statutes, are amended, and
 50 subsections (18), (19), (20), and (21) are added to said
 51 section, to read:

52 106.011 Definitions.--As used in this chapter, the
 53 following terms have the following meanings unless the context
 54 clearly indicates otherwise:

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

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

59 a. Accepts contributions for the purpose of making
 60 contributions to any candidate, political committee, committee
 61 of continuous existence, or political party;

62 b. Accepts contributions for the purpose of expressly
 63 advocating the election or defeat of a candidate or the passage
 64 or defeat of an issue;

65 c. Makes expenditures that expressly advocate the election
 66 or defeat of a candidate or the passage or defeat of an issue;
 67 ~~or~~

68 d. Makes contributions to a common fund, other than a
 69 joint checking account between spouses, from which contributions
 70 are made to any candidate, political committee, committee of
 71 continuous existence, political organization subject to the
 72 requirements of 26 U.S.C. s. 527, or political party;

73 e. Accepts contributions for the purpose of publicly
 74 disseminating an electioneering advertisement; or

75 f. Makes expenditures for the purpose of publicly
 76 disseminating an electioneering advertisement.

77 2. The sponsor of a proposed constitutional amendment by
 78 initiative who intends to seek the signatures of registered
 79 electors.

80 (b) Notwithstanding paragraph (a), the following entities
 81 are not considered political committees for purposes of this
 82 chapter:

83 1. Organizations which are certified by the Department of
 84 State as committees of continuous existence pursuant to s.
 85 106.04, national political parties, and the state and county
 86 executive committees of political parties regulated by chapter
 87 103.

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88 2. Corporations regulated by chapter 607 or chapter 617 or
89 other business entities formed for purposes other than to
90 support or oppose issues or candidates, if their political
91 activities are limited to contributions to candidates, political
92 parties, or political committees or expenditures in support of
93 or opposition to an issue from corporate or business funds and
94 if no contributions are received by such corporations or
95 business entities.

96 (3) "Contribution" means:

97 (a) A gift, subscription, conveyance, deposit, loan,
98 payment, or distribution of money or anything of value,
99 including contributions in kind having an attributable monetary
100 value in any form, made for the purpose of influencing the
101 results of an election or for the purpose of publicly
102 disseminating an electioneering advertisement.

103 (b) A transfer of funds between political committees,
104 between committees of continuous existence, or between a
105 political committee and a committee of continuous existence.

106 (c) The payment, by any person other than a candidate or
107 political committee, of compensation for the personal services
108 of another person which are rendered to a candidate or political
109 committee without charge to the candidate or committee for such
110 services.

111 (d) The transfer of funds by a campaign treasurer or
112 deputy campaign treasurer between a primary depository and a
113 separate interest-bearing account or certificate of deposit, and
114 the term includes any interest earned on such account or
115 certificate.
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117 Notwithstanding the foregoing meanings of "contribution," the
 118 word shall not be construed to include services, including, but
 119 not limited to, legal and accounting services, provided without
 120 compensation by individuals volunteering a portion or all of
 121 their time on behalf of a candidate or political committee. This
 122 definition shall not be construed to include editorial
 123 endorsements.

124 (4)(a) "Expenditure" means a purchase, payment,
 125 distribution, loan, advance, transfer of funds by a campaign
 126 treasurer or deputy campaign treasurer between a primary
 127 depository and a separate interest-bearing account or
 128 certificate of deposit, or gift of money or anything of value
 129 made for the purpose of influencing the results of an election
 130 or for the purpose of publicly disseminating an electioneering
 131 advertisement. However, "expenditure" does not include a
 132 purchase, payment, distribution, loan, advance, or gift of money
 133 or anything of value made for the purpose of influencing the
 134 results of an election when made by an organization, in
 135 existence prior to the time during which a candidate qualifies
 136 or an issue is placed on the ballot for that election, for the
 137 purpose of printing or distributing such organization's
 138 newsletter, containing a statement by such organization in
 139 support of or opposition to a candidate or issue, which
 140 newsletter is distributed only to members of such organization.

141 (b) With respect to telephones, an expenditure shall be
 142 deemed to be an expenditure for the use of communications media
 143 only if made for the costs of telephones, paid telephonists, or
 144 automatic telephone equipment to be used by a candidate or a
 145 political committee to communicate with potential voters but

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146 excluding any costs of telephones incurred by a volunteer for
 147 use of telephones by such volunteer.

148 (c) For purposes of electioneering advertisements, the
 149 expenditure date is the date on which the person has executed a
 150 contract to make the expenditure, the person has made payment
 151 for such electioneering advertisement, or the electioneering
 152 advertisement is aired or otherwise disseminated, whichever is
 153 earliest.

154 (5)(a) "Independent expenditure" means an expenditure by a
 155 person for the purpose of advocating the election or defeat of a
 156 candidate or the approval or rejection of an issue, which
 157 expenditure is not controlled by, coordinated with, or made upon
 158 consultation with, any candidate, political committee, or agent
 159 of such candidate or committee. An expenditure for such purpose
 160 by a person having a contract with the candidate, political
 161 committee, or agent of such candidate or committee in a given
 162 election period shall not be deemed an independent expenditure.
 163 In addition, an electioneering advertisement as defined in s.
 164 106.1439 shall not be considered an independent expenditure.

165 (b) An expenditure for the purpose of advocating the
 166 election or defeat of a candidate which is made by the national,
 167 state, or county executive committee of a political party,
 168 including any subordinate committee of a national, state, or
 169 county committee of a political party, or by any political
 170 committee or committee of continuous existence, or any other
 171 person, shall not be considered an independent expenditure if
 172 the committee or person:

173 1. Communicates with the candidate, the candidate's
 174 campaign, or an agent of the candidate acting on behalf of the

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175 candidate, including any pollster, media consultant, advertising
 176 agency, vendor, advisor, or staff member, concerning the
 177 preparation of, use of, or payment for, the specific expenditure
 178 or advertising campaign at issue; or

179 2. Makes a payment in cooperation, consultation, or
 180 concert with, at the request or suggestion of, or pursuant to
 181 any general or particular understanding with the candidate, the
 182 candidate's campaign, a political committee supporting the
 183 candidate, or an agent of the candidate relating to the specific
 184 expenditure or advertising campaign at issue; or

185 3. Makes a payment for the dissemination, distribution, or
 186 republication, in whole or in part, of any broadcast or any
 187 written, graphic, or other form of campaign material prepared by
 188 the candidate, the candidate's campaign, or an agent of the
 189 candidate, including any pollster, media consultant, advertising
 190 agency, vendor, advisor, or staff member; or

191 4. Makes a payment based on information about the
 192 candidate's plans, projects, or needs communicated to a member
 193 of the committee or person by the candidate or an agent of the
 194 candidate, provided the committee or person uses the information
 195 in any way, in whole or in part, either directly or indirectly,
 196 to design, prepare, or pay for the specific expenditure or
 197 advertising campaign at issue; or

198 5. After the last day of qualifying for statewide or
 199 legislative office, consults about the candidate's plans,
 200 projects, or needs in connection with the candidate's pursuit of
 201 election to office and the information is used in any way to
 202 plan, create, design, or prepare an independent expenditure or
 203 advertising campaign, with:

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204 a. Any officer, director, employee, or agent of a
 205 national, state, or county executive committee of a political
 206 party that has made or intends to make expenditures in
 207 connection with or contributions to the candidate; or

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

212 6. After the last day of qualifying for statewide or
 213 legislative office, retains the professional services of any
 214 person also providing those services to the candidate in
 215 connection with the candidate's pursuit of election to office;
 216 or

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

219 (8) "Person" means an individual or a corporation,
 220 association, firm, partnership, joint venture, joint stock
 221 company, club, organization, estate, trust, business trust,
 222 syndicate, political organization subject to the requirements of
 223 26 U.S.C. s. 527, limited liability company, limited liability
 224 partnership, or other legal entity or other combination of
 225 individuals having collective capacity. The term includes a
 226 political party, political committee, or committee of continuous
 227 existence.

228 (13) "Communications media" means broadcasting stations,
 229 newspapers, magazines, outdoor advertising facilities, printers,
 230 direct mailing companies, advertising agencies, and telephone
 231 companies; ~~but with respect to telephones, an expenditure shall~~
 232 ~~be deemed to be an expenditure for the use of communications~~

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233 ~~media only if made for the costs of telephones, paid~~
 234 ~~telephonists, or automatic telephone equipment to be used by a~~
 235 ~~candidate or a political committee to communicate with potential~~
 236 ~~voters but excluding any costs of telephones incurred by a~~
 237 ~~volunteer for use of telephones by such volunteer.~~

238 (17) "Political advertisement" means a paid expression in
 239 any communications media prescribed in subsection (13), whether
 240 radio, television, newspaper, magazine, periodical, campaign
 241 literature, direct mail, or display or by means other than the
 242 spoken word in direct conversation, which shall support or
 243 oppose any candidate, elected public official, or issue.

244 However, political advertisement does not include:

245 (a) A statement by an organization, in existence prior to
 246 the time during which a candidate qualifies or an issue is
 247 placed on the ballot for that election, in support of or
 248 opposition to a candidate or issue, in that organization's
 249 newsletter, which newsletter is distributed only to the members
 250 of that organization.

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

253 (c) An electioneering advertisement.

254 (18)(a) "Electioneering advertisement" means a paid
 255 broadcast, cable, satellite, or printed communication that:

256 1. Is publicly disseminated within 30 days preceding any
 257 election or on the day of any election. An electioneering
 258 advertisement is considered publicly disseminated if it is
 259 aired, broadcast, or distributed by cable or other means for a
 260 fee. 2. Refers to a clearly identified candidate for office in
 261 any election.

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262 3. Is targeted to the relevant electorate. An
263 electioneering advertisement is considered targeted to the
264 relevant electorate if the communication can be received by
265 1,000 or more households in the district that the candidate
266 would represent if elected.

267 (b) The term does not include:

268 1. A political advertisement or an independent
269 expenditure.

270 2. A statement or depiction by an organization, in
271 existence prior to the time during which the candidate named or
272 depicted qualifies for such election, made in that
273 organization's newsletter, which newsletter is distributed only
274 to members of that organization.

275 3. An editorial endorsement by any newspaper, radio, or
276 television station or other recognized news medium so long as
277 such media are not owned or controlled by a candidate, political
278 party, or political committee.

279 4. A news story, commentary, or editorial broadcast by a
280 radio or television station, cable television system, or
281 satellite system.

282 5. A fundraising or public service announcement publicly
283 aired by a corporation organized under 26 U.S.C. s. 501(c)(3).

284 6. A candidate debate or forum or a communication made by
285 or on behalf of the sponsor that solely promotes a debate or
286 forum.

287 7. A government publication or official correspondence
288 from government officials.

289 (19) "Individual" means a natural person.

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290 (20) "Entity" means a corporation, association, firm,
 291 partnership, joint venture, joint stock company, club,
 292 organization, estate, trust, business trust, syndicate, or any
 293 other legal entity.

294 (21) "Related entity" means an entity related to any other
 295 entity if:

296 (a) More than 50 percent of the entity's governing board
 297 consists of the same persons as any other entity; or

298 (b) One entity has a 100-percent ownership interest in the
 299 other entity.

300 Section 2. Subsections (1) and (2) of section 106.03,
 301 Florida Statutes, are amended to read:

302 106.03 Registration of political committees.--

303 (1)(a) Each political committee which anticipates
 304 receiving contributions or making expenditures during a calendar
 305 year in an aggregate amount exceeding \$500 or which is seeking
 306 the signatures of registered electors in support of an
 307 initiative shall file a statement of organization as provided in
 308 subsection (3) within 10 days after its organization or, if
 309 later, within 10 days after the date on which it has information
 310 which causes the committee to anticipate that it will receive
 311 contributions or make expenditures in excess of \$500.

312 (b) If a political committee is organized within 10 days
 313 before ~~of~~ any election, it shall immediately file the statement
 314 of organization required by this section.

315 (c)1. In addition, any person that intends to publicly
 316 disseminate an electioneering advertisement as defined in s.
 317 106.1439 within 10 days before a primary or general election
 318 which will be paid for, in whole or in part, with funds from a

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319 corporation or labor organization must file the statement of
320 organization required by this section at least 30 days prior to
321 the primary or general election.

322 2. The Florida Elections Commission is authorized upon
323 finding a violation of this paragraph to impose a civil penalty
324 in the form of a fine not to exceed \$5,000 or the total cost of
325 the advertisement that is disseminated without a properly filed
326 statement, whichever is greater. In determining the amount of
327 the penalty, the commission must consider any mitigating or
328 aggravating circumstances prescribed in s. 106.265. This penalty
329 shall be deposited into the General Revenue Fund of the state,
330 and, if necessary, shall be collected pursuant to s. 106.265(2).

331 3. For purposes of this paragraph, the term:

332 a. "Corporation" means an entity organized pursuant to
333 chapter 607 or chapter 617, or any other business entity
334 organized under this or any other state, which is formed for
335 purposes other than to engage in political activity.

336 b. "Labor organization" means any organization of any
337 kind, or any agency or employee representation committee or
338 plan, in which employees participate and which exists for the
339 purpose, in whole or in part, of dealing with employers
340 concerning grievances, labor disputes, wages, rates of pay,
341 hours of employment, or conditions of work.

342 (2) The statement of organization shall be sworn to under
343 oath and under penalty of perjury by the individuals, whether in
344 their individual capacity or in a representative capacity,
345 having or exercising control of the committee's management and
346 finances. Such individuals shall be personally liable for any
347 violations of filing requirements under this chapter and shall

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348 be required to pay any fines assessed from the personal funds of
 349 the individuals. The statement of organization shall include:

350 (a) The name and address of the committee.+

351 (b) The names, addresses, and relationships of affiliated
 352 or connected organizations.+

353 (c) The area, scope, or jurisdiction of the committee.+

354 (d) The name, address, and position of the custodian of
 355 books and accounts.+

356 (e) The names ~~name~~, addresses ~~address~~, and positions
 357 ~~position~~ of the individuals, whether in their individual
 358 capacity or in a representative capacity, having or exercising
 359 control over the organization's finances, and other principal
 360 officers, including officers and members of the finance
 361 committee, if any.+

362 (f) The name, address, office sought, and party
 363 affiliation of:

364 1. Each candidate whom the committee is supporting or
 365 opposing.+

366 2. Any other individual, if any, whom the committee is
 367 supporting for nomination for election, or election, to any
 368 public office whatever.+

369 (g) Any issue or issues such organization is supporting or
 370 opposing.+

371 (h) If the committee is supporting the entire ticket of
 372 any party, a statement to that effect and the name of the
 373 party.+

374 (i) A statement of whether the committee is a continuing
 375 one.+

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376 (j) Plans for the disposition of residual funds which will
 377 be made in the event of dissolution. ~~;~~

378 (k) A listing of all banks, safe-deposit boxes, or other
 379 depositories used for committee funds. ~~;~~ ~~and~~

380 (l) A statement of the reports required to be filed by the
 381 committee with federal officials or agencies, if any, and the
 382 names, addresses, and positions of such officials or agencies.

383 (m) If the committee intends to publicly disseminate
 384 electioneering advertisements as provided in s. 106.1439, a
 385 statement to that effect. If the committee submits a statement
 386 of organization indicating that it will not publicly disseminate
 387 electioneering advertisements but at a later date decides
 388 otherwise, it must amend its statement of organization within 10
 389 days after the decision.

390 Section 3. Paragraph (b) of subsection (1), paragraph (c)
 391 of subsection (4), and subsection (5) of section 106.04, Florida
 392 Statutes, are amended to read:

393 106.04 Committees of continuous existence.--

394 (1) In order to qualify as a committee of continuous
 395 existence for the purposes of this chapter, a group,
 396 organization, association, or other such entity which is
 397 involved in making contributions to candidates, political
 398 committees, or political parties, shall meet the following
 399 criteria:

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

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404 committee of continuous existence may not accept dues or
 405 assessments from a member in excess of \$500 per election.

406 (4)

407 (c) All committees of continuous existence shall file the
 408 original and one copy of their reports with the Division of
 409 Elections. In addition, a duplicate copy of each report shall be
 410 filed with the supervisor of elections in the county in which
 411 the committee maintains its books and records, except that if
 412 the filing officer to whom the committee is required to report
 413 is located in the same county as the supervisor no such
 414 duplicate report is required to be filed with the supervisor.
 415 Reports shall be on forms provided by the division and shall
 416 contain the following information:

417 1. The full name, address, and occupation of each person
 418 who has made one or more contributions, including contributions
 419 that represent the payment of membership dues, to the committee
 420 during the reporting period, together with the amounts and dates
 421 of such contributions. For corporations, the report must provide
 422 as clear a description as practicable of the principal type of
 423 business conducted by the corporation. However, if the
 424 contribution is \$100 or less, the occupation of the contributor
 425 or principal type of business need not be listed. However, for
 426 any contributions that ~~which~~ represent the regular payment of
 427 dues by members in a fixed amount not exceeding \$50 per payment
 428 and \$250 in the aggregate of such payments per calendar year
 429 pursuant to the schedule on file with the Division of Elections,
 430 only the aggregate amount of such contributions need be listed,
 431 together with the number of members paying such dues and the
 432 amount of the membership dues.

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433 2. The name and address of each political committee or
 434 committee of continuous existence from which the reporting
 435 committee received, ~~or the name and address of each political~~
 436 ~~committee, committee of continuous existence, or political party~~
 437 ~~to which it made~~, any transfer of funds, together with the
 438 amounts and dates of all transfers.

439 3. Any other receipt of funds not listed pursuant to
 440 subparagraph 1. or subparagraph 2., including the sources and
 441 amounts of all such funds.

442 4. The name and address of, and office sought by, each
 443 candidate to whom the committee has made a contribution during
 444 the reporting period, together with the amount and date of each
 445 contribution.

446 5. The date, amount, and description of all expenditures
 447 made by the committee, including the full name and address of
 448 each person to whom an expenditure for personal services or
 449 salary was made.

450 (d) The treasurer of each committee shall certify as to
 451 the correctness of each report and shall bear the responsibility
 452 for its accuracy and veracity. Any treasurer who willfully
 453 certifies to the correctness of a report while knowing that such
 454 report is incorrect, false, or incomplete commits a misdemeanor
 455 of the first degree, punishable as provided in s. 775.082 or s.
 456 775.083.

457 (5) No committee of continuous existence shall contribute
 458 to any candidate or political committee an amount in excess of
 459 the limits contained in s. 106.08(1) or participate in any other
 460 activity which is prohibited by this chapter. If any violation
 461 occurs, it shall be punishable as provided in this chapter for

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462 the given offense. No funds of a committee of continuous
 463 existence shall be expended on behalf of a candidate, except by
 464 means of a contribution made through the duly appointed campaign
 465 treasurer of a candidate. No such committee shall make
 466 expenditures for the purpose of publicly disseminating
 467 electioneering advertisements or in support of, or in opposition
 468 to, an issue unless such committee first registers as a
 469 political committee pursuant to this chapter and undertakes all
 470 the practices and procedures required thereof; ~~provided such~~
 471 ~~committee may make contributions in a total amount not to exceed~~
 472 ~~25 percent of its aggregate income, as reflected in the annual~~
 473 ~~report filed for the previous year, to one or more political~~
 474 ~~committees registered pursuant to s. 106.03 and formed to~~
 475 ~~support or oppose issues.~~

476 Section 4. Effective January 1, 2005, section 106.0705,
 477 Florida Statutes, is created to read:

478 106.0705 Electronic filing of campaign treasurer's
 479 reports.--

480 (1) As used in this section, the term "electronic filing
 481 system" means an Internet system for recording and reporting
 482 campaign finance activity by reporting period.

483 (2)(a) Each candidate who is required to file reports with
 484 the division pursuant to s. 106.07 or s. 106.1439 must file such
 485 reports with the division by means of the division's electronic
 486 filing system.

487 (b) Each political committee, committee of continuous
 488 existence, or state executive committee that is required to file
 489 reports with the division under s. 106.04, s. 106.07, or s.

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490 106.29, as applicable, must file such reports with the division
491 by means of the division's electronic filing system.

492 (c) Each person or organization that is required to file
493 reports with the division under s. 106.071 or s. 106.1439 must
494 file such reports with the division by means of the division's
495 electronic filing system.

496 (3) Reports filed pursuant to this section shall be
497 completed and filed through the electronic filing system not
498 later than midnight of the day designated. Reports not filed by
499 midnight of the day designated are late filed and are subject to
500 the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3),
501 as applicable.

502 (4) Each report filed pursuant to this section is
503 considered to be under oath by the candidate and treasurer or the
504 chair and treasurer, whichever is applicable, and such persons
505 are subject to the provisions of s. 106.04(4)(d), s. 106.07(5),
506 or s. 106.29(2), as applicable. Persons given a secure sign-on to
507 the electronic filing system are responsible for protecting such
508 from disclosure and are responsible for all filings using such
509 credentials, unless they have notified the division that their
510 credentials have been compromised.

511 (5) The electronic filing system developed by the division
512 must:

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

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

516 (c) Provide for direct entry of campaign finance
517 information as well as upload of such information from campaign
518 finance software certified by the division.

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

521 (e) Have the capacity to handle the filing of at least 500
 522 reports by candidates, committees, and political parties within a
 523 24-hour period.

524 (6) The division shall adopt rules to administer this
 525 section and provide for the reports required to be filed pursuant
 526 to this section. Such rules shall, at a minimum, provide:

527 (a) Alternate filing procedures in the event that the
 528 division's electronic filing system becomes inoperable.

529 (b) For the issuance of an electronic receipt to the person
 530 submitting the report that verifies that the report has been
 531 filed, including the time and date filed.

532 Section 5. Paragraph (a) of subsection (1) of section
 533 106.08, Florida Statutes, is amended to read:

534 106.08 Contributions; limitations on.--

535 (1)(a) Except for political parties, no person or related
 536 entity, political committee, or committee of continuous
 537 ~~existence~~ may, in any election, make contributions in excess of
 538 \$500 to any candidate for election to or retention in office, ~~or~~
 539 to any political committee supporting or opposing one or more
 540 candidates, or to any committee of continuous existence. Related
 541 entities shall be treated as a single entity for purposes of the
 542 contribution limits in this section. Candidates for the offices
 543 of Governor and Lieutenant Governor on the same ticket are
 544 considered a single candidate for the purpose of this section.

545 Section 6. Section 106.1439, Florida Statutes, is created
 546 to read:

547 106.1439 Electioneering advertisements.--

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548 (1) Any individual that publicly disseminates
549 electioneering advertisements must file regular reports of all
550 contributions received and all expenditures made by such
551 individual with the same officer as a political committee
552 supporting or opposing the candidate referenced in the
553 advertisements. Such reports shall be filed under penalty of
554 perjury and are subject to the same filing requirements as
555 reports required under s. 106.07 for candidates not receiving
556 public financing. A political committee as defined in s.
557 106.011(1)(a)1.e. or s. 106.011(1)(a)1.f. is exempt from the
558 reporting requirements of this subsection.

559 (2)(a) If the initial publication of the electioneering
560 advertisement occurs after the final regular report is due under
561 subsection (1) but prior to the closing of the polls on election
562 day, the person publicly disseminating the advertisement must
563 file a report electronically with the division no later than 1
564 hour after the advertisement has been contracted for, paid for,
565 or aired or otherwise disseminated, whichever is earliest. The
566 report must contain the same information as required of a
567 candidate by s. 106.07. Upon receipt of the filing, the division
568 shall electronically transmit a confirmation of receipt to the
569 person filing the report. If the person is unable to file
570 electronically because of problems with Internet communications,
571 a written report containing the required information shall be
572 filed, by facsimile or hand delivery, to the division no later
573 than 1 hour after the initial publication of the advertisement.
574 However, if a report due to be filed under this paragraph on a
575 Saturday, Sunday, or legal holiday cannot be electronically
576 filed because of problems with Internet communications, the

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577 report must be filed either electronically, by facsimile, or by
578 hand delivery with the division no later than 10 a.m. on the
579 next business day.

580 (b) Information filed with the division pursuant to this
581 subsection must also be included in the next regular report
582 required under subsection (1).

583 (3)(a) The following persons shall be responsible for
584 filing the reports required in subsections (1) and (2) and shall
585 certify to and bear the responsibility for the accuracy,
586 completeness, and veracity of each report:

587 1. The committee chair, committee treasurer, and any
588 individuals having or exercising control of the committee's
589 finances, if the person publicly disseminating the
590 electioneering advertisement is a political committee, committee
591 of continuous existence, or executive committee of a political
592 party; or

593 2. The individual, if the person publicly disseminating
594 the electioneering advertisement is a natural person who is not
595 a candidate.

596 (b) The individuals listed in paragraph (a) are liable for
597 violations of filing requirements to the same extent as
598 candidates pursuant to ss. 106.07(5), 106.19, and 106.265 and
599 shall be required to pay any fines assessed from their personal
600 funds.

601 (4)(a) Any electioneering advertisement must include the
602 following disclosure statement, "Paid advertisement paid for or
603 sponsored by ...(full name and street address of person publicly
604 disseminating the electioneering advertisement)...," followed by
605 the address of the person funding or sponsoring the

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606 advertisement.

607 (b) The disclosure statement must also be followed by the
608 statement "Largest Contributors" followed by the full name and
609 street address of the person's largest four contributors in
610 excess of \$500 in aggregated contributions. If there are fewer
611 than four largest contributors in excess of \$500 each, all such
612 contributors must be listed on the disclosure statement.

613 (c) Any statement required by paragraphs (a) and (b) shall
614 be printed clearly and legibly in a conspicuous manner in type
615 at least as large as the majority of the printed text and
616 subject to the following additional requirements:

617 1. If the communication is broadcast on radio, the
618 statement shall be spoken at the end of the communication.

619 2. If the communication is broadcast on another type of
620 telecommunications system, the statement shall be spoken and
621 displayed at the end of the communication. Any statement that
622 must be displayed shall be printed in type equal to or larger
623 than 4 percent of the vertical picture height. If the statement
624 is displayed for at least 5 seconds of a 30-second communication
625 or 10 seconds of a 60-second communication, a spoken disclosure
626 statement is not required.

627 3. If the communication is disseminated through print
628 media, the statement shall be printed in type at least one-
629 quarter of the size of the largest type in the printed text of
630 the advertisement.

631 4. The statement shall direct listeners or viewers to the
632 Internet website of the Division of Elections for more
633 information.

634 (d) The Florida Elections Commission is authorized upon

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635 finding a violation of this subsection to impose a civil penalty
 636 in the form of a fine not to exceed \$5,000 or the total cost of
 637 the advertisements without the proper disclaimer, whichever is
 638 greater. In determining the amount of the penalty, the
 639 commission must consider any mitigating or aggravating
 640 circumstances prescribed in s. 106.265. This penalty shall
 641 substitute for the penalties provided in s. 106.265, shall be
 642 deposited into the General Revenue Fund of the state, and, if
 643 necessary, shall be collected pursuant to s. 106.265(2).

644 (5) A person may not make a contribution through or in the
 645 name of another, directly or indirectly, for the purpose of
 646 publicly disseminating an electioneering advertisement.

647 Section 7. For the purpose of incorporating the amendment
 648 to section 106.08, Florida Statutes, in a reference thereto,
 649 subsection (2) of section 106.075, Florida Statutes, is
 650 reenacted to read:

651 106.075 Elected officials; report of loans made in year
 652 preceding election; limitation on contributions to pay loans.--

653 (2) Any person who makes a contribution to an individual
 654 to pay all or part of a loan incurred, in the 12 months
 655 preceding the election, to be used for the individual's
 656 campaign, may not contribute more than the amount which is
 657 allowed in s. 106.08(1).

658 Section 8. For the purpose of incorporating the amendment
 659 to section 106.08, Florida Statutes, in a reference thereto,
 660 paragraph (a) of subsection (1) of section 106.19, Florida
 661 Statutes, is reenacted to read:

662 106.19 Violations by candidates, persons connected with
 663 campaigns, and political committees.--

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664 (1) Any candidate; campaign manager, campaign treasurer,
 665 or deputy treasurer of any candidate; committee chair, vice
 666 chair, campaign treasurer, deputy treasurer, or other officer of
 667 any political committee; agent or person acting on behalf of any
 668 candidate or political committee; or other person who knowingly
 669 and willfully:

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

672
 673 is guilty of a misdemeanor of the first degree, punishable as
 674 provided in s. 775.082 or s. 775.083.

675 Section 9. For the purpose of incorporating the amendment
 676 to section 106.08, Florida Statutes, in a reference thereto,
 677 subsection (5) of section 30 of chapter 2003-415, Laws of
 678 Florida, is reenacted to read:

679 Section 30.

680 (5) For the 2004 elections, there shall be two elections
 681 for purposes of the contribution limits in s. 106.08, Florida
 682 Statutes.

683 Section 10. If any provision of this act or its
 684 application to any person or circumstance is held to be invalid,
 685 the invalidity does not affect other provisions or applications
 686 of the act which can be given effect without the invalid
 687 provision or application and, to this end, the provisions of
 688 this act are severable.

689 Section 11. Except as otherwise provided herein, this act
 690 shall take effect upon becoming a law.