

## CHAMBER ACTION

1 The Committee on Procedures recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to campaign financing; amending s.  
7 106.011, F.S.; revising and providing definitions;  
8 amending s. 106.03, F.S.; revising registration  
9 requirements of political committees; requiring the  
10 statement of organization to be sworn to under oath and  
11 penalty of perjury; providing for personal liability;  
12 revising content requirements of the statement of  
13 organization; requiring amendment of the statement of  
14 organization under certain circumstances; amending s.  
15 106.04, F.S.; requiring membership dues of committees of  
16 continuous existence to be reported in the same manner as  
17 regular contributions, with specified exemptions;  
18 requiring reporting of expenditures; prohibiting transfers  
19 from committees of continuous existence to certain  
20 political committees for certain purposes; providing  
21 penalties; creating s. 106.045, F.S.; providing  
22 registration and reporting requirements for partisan  
23 affinity groups; providing a definition; providing

HB 1793

2004  
CS

24 penalties for late or incomplete reports; creating s.  
25 106.0705, F.S.; providing for electronic filing of  
26 campaign treasurer's reports; providing a definition;  
27 providing standards and guidelines; requiring the Division  
28 of Elections to adopt rules to administer the electronic  
29 filing system and its reports; amending s. 106.08, F.S.;  
30 providing applicability of contribution limits to related  
31 entities; providing limits on contributions to committees  
32 of continuous existence; providing penalties; creating s.  
33 106.1439, F.S.; requiring reporting of contributions and  
34 expenditures for electioneering advertisements; providing  
35 definitions; providing filing requirements; providing for  
36 personal liability; requiring disclosure statements in  
37 such advertisements and providing requirements thereof;  
38 prohibiting certain contributions; providing penalties;  
39 reenacting ss. 106.075(2) and 106.19(1)(a), F.S., and s.  
40 30(5), ch. 2003-415, Laws of Florida, relating to  
41 limitations on contributions to pay loans, acceptance of  
42 contributions in excess of the prescribed limits, and  
43 applicability of contribution limits to the 2004  
44 elections, respectively, to incorporate the amendment to  
45 s. 106.08, F.S., in references thereto; providing  
46 severability; providing effective dates.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Subsections (1), (3), (4), (5), (8), (13), and  
51 (17) of section 106.011, Florida Statutes, are amended, and

HB 1793

2004  
CS

52 subsections (18), (19), (20), and (21) are added to said  
53 section, to read:

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

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

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

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

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

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

69 ~~or~~

70 d. Makes contributions to a common fund, other than a  
71 joint checking account between spouses, from which contributions  
72 are made to any candidate, political committee, committee of  
73 continuous existence, political organization subject to the  
74 requirements of 26 U.S.C. s. 527 that publicly disseminates an  
75 electioneering advertisement, or political party;

76 e. Accepts contributions for the purpose of publicly  
77 disseminating an electioneering advertisement; or

78 f. Makes expenditures for the purpose of publicly  
79 disseminating an electioneering advertisement.

HB 1793

2004  
CS

80           2. The sponsor of a proposed constitutional amendment by  
81 initiative who intends to seek the signatures of registered  
82 electors.

83           (b) Notwithstanding paragraph (a), the following entities  
84 are not considered political committees for purposes of this  
85 chapter:

86           1. Organizations which are certified by the Department of  
87 State as committees of continuous existence pursuant to s.  
88 106.04, national political parties, and the state and county  
89 executive committees of political parties regulated by chapter  
90 103.

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

99           (3) "Contribution" means:

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

HB 1793

2004  
CS

106 (b) A transfer of funds between political committees,  
107 between committees of continuous existence, or between a  
108 political committee and a committee of continuous existence.

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

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

119  
120 Notwithstanding the foregoing meanings of "contribution," the  
121 word shall not be construed to include services, including, but  
122 not limited to, legal and accounting services, provided without  
123 compensation by individuals volunteering a portion or all of  
124 their time on behalf of a candidate or political committee. This  
125 definition shall not be construed to include editorial  
126 endorsements.

127 (4)(a) "Expenditure" means a purchase, payment,  
128 distribution, loan, advance, transfer of funds by a campaign  
129 treasurer or deputy campaign treasurer between a primary  
130 depository and a separate interest-bearing account or  
131 certificate of deposit, or gift of money or anything of value  
132 made for the purpose of influencing the results of an election  
133 or for the purpose of publicly disseminating an electioneering

HB 1793

2004  
CS

134 advertisement. However, "expenditure" does not include a  
135 purchase, payment, distribution, loan, advance, or gift of money  
136 or anything of value made for the purpose of influencing the  
137 results of an election when made by an organization, in  
138 existence prior to the time during which a candidate qualifies  
139 or an issue is placed on the ballot for that election, for the  
140 purpose of printing or distributing such organization's  
141 newsletter, containing a statement by such organization in  
142 support of or opposition to a candidate or issue, which  
143 newsletter is distributed only to members of such organization.

144 (b) With respect to telephones, an expenditure shall be  
145 deemed to be an expenditure for the use of communications media  
146 only if made for the costs of telephones, paid telephonists, or  
147 automatic telephone equipment to be used by a candidate or a  
148 political committee to communicate with potential voters but  
149 excluding any costs of telephones incurred by a volunteer for  
150 use of telephones by such volunteer.

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

157 (5)(a) "Independent expenditure" means an expenditure by a  
158 person for the purpose of advocating the election or defeat of a  
159 candidate or the approval or rejection of an issue, which  
160 expenditure is not controlled by, coordinated with, or made upon  
161 consultation with, any candidate, political committee, or agent

HB 1793

2004  
CS

162 of such candidate or committee. An expenditure for such purpose  
 163 by a person having a contract with the candidate, political  
 164 committee, or agent of such candidate or committee in a given  
 165 election period shall not be deemed an independent expenditure.  
 166 In addition, an electioneering advertisement as defined in s.  
 167 106.1439 shall not be considered an independent expenditure.

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

176 1. Communicates with the candidate, the candidate's  
 177 campaign, or an agent of the candidate acting on behalf of the  
 178 candidate, including any pollster, media consultant, advertising  
 179 agency, vendor, advisor, or staff member, concerning the  
 180 preparation of, use of, or payment for, the specific expenditure  
 181 or advertising campaign at issue; or

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

188 3. Makes a payment for the dissemination, distribution, or  
 189 republication, in whole or in part, of any broadcast or any

HB 1793

2004  
CS

190 written, graphic, or other form of campaign material prepared by  
 191 the candidate, the candidate's campaign, or an agent of the  
 192 candidate, including any pollster, media consultant, advertising  
 193 agency, vendor, advisor, or staff member; or

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

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

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

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

215 6. After the last day of qualifying for statewide or  
 216 legislative office, retains the professional services of any  
 217 person also providing those services to the candidate in



HB 1793

2004  
CS

218 connection with the candidate's pursuit of election to office;  
219 or

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

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

231 (13) "Communications media" means broadcasting stations,  
232 newspapers, magazines, outdoor advertising facilities, printers,  
233 direct mailing companies, advertising agencies, and telephone  
234 companies; ~~but with respect to telephones, an expenditure shall~~  
235 ~~be deemed to be an expenditure for the use of communications~~  
236 ~~media only if made for the costs of telephones, paid~~  
237 ~~telephonists, or automatic telephone equipment to be used by a~~  
238 ~~candidate or a political committee to communicate with potential~~  
239 ~~voters but excluding any costs of telephones incurred by a~~  
240 ~~volunteer for use of telephones by such volunteer.~~

241 (17) "Political advertisement" means a paid expression in  
242 any communications media prescribed in subsection (13), whether  
243 radio, television, newspaper, magazine, periodical, campaign  
244 literature, direct mail, or display or by means other than the  
245 spoken word in direct conversation, which shall support or

HB 1793

2004  
CS

246 | oppose any candidate, elected public official, or issue.

247 | However, political advertisement does not include:

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

254 |       (b) Editorial endorsements by any newspaper, radio or  
255 | television station, or other recognized news medium.

256 |       (c) An electioneering advertisement.

257 |       (18)(a) "Electioneering advertisement" means a paid  
258 | broadcast, cable, satellite, or printed communication that:

259 |       1. Is publicly disseminated after the end of the candidate  
260 | qualifying period for the office sought by the candidate. An  
261 | electioneering advertisement is considered publicly disseminated  
262 | if it is aired, broadcast, or distributed by cable or other  
263 | means for a fee.

264 |       2. Refers to a clearly identified candidate for office in  
265 | any election.

266 |       3. Is targeted to the relevant electorate. An  
267 | electioneering advertisement is considered targeted to the  
268 | relevant electorate if the communication can be received by  
269 | 1,000 or more households in the district that the candidate  
270 | would represent if elected.

271 |       (b) The term does not include:

272 |       1. A political advertisement or an independent  
273 | expenditure.

HB 1793

2004  
CS

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

279        3. An editorial endorsement by any newspaper, radio, or  
280 television station or other recognized news medium so long as  
281 such media are not owned or controlled by a candidate, political  
282 party, or political committee.

283        4. A news story, commentary, or editorial broadcast by a  
284 radio or television station, cable television system, or  
285 satellite system.

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

288        6. A candidate debate or forum or a communication made by  
289 or on behalf of the sponsor that solely promotes a debate or  
290 forum.

291        7. A government publication or official correspondence  
292 from government officials.

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

294        (20) "Entity" means a corporation, association, firm,  
295 partnership, joint venture, joint stock company, club,  
296 organization, estate, trust, business trust, syndicate, or any  
297 other legal entity.

298        (21) "Related entity" means an entity related to any other  
299 entity if:

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

HB 1793

2004  
CS

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

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

306        106.03 Registration of political committees.--

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

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

319        (2) The statement of organization shall be sworn to under  
320 oath and under penalty of perjury by the individuals, whether in  
321 their individual capacity or in a representative capacity,  
322 having or exercising control of the committee's management and  
323 finances. Such individuals shall be personally liable for any  
324 violations of filing requirements under this chapter and shall  
325 be required to pay any fines assessed from the personal funds of  
326 the individuals. The statement of organization shall include:

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

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

HB 1793

2004  
CS

330 (c) The area, scope, or jurisdiction of the committee.‡

331 (d) The name, address, and position of the custodian of  
332 books and accounts.‡

333 (e) The names ~~name~~, addresses ~~address~~, and positions  
334 ~~position~~ of the individuals, whether in their individual  
335 capacity or in a representative capacity, having or exercising  
336 control over the organization's finances, and other principal  
337 officers, including officers and members of the finance  
338 committee, if any.‡

339 (f) The name, address, office sought, and party  
340 affiliation of:

341 1. Each candidate whom the committee is supporting or  
342 opposing.‡

343 2. Any other individual, if any, whom the committee is  
344 supporting for nomination for election, or election, to any  
345 public office whatever.‡

346 (g) Any issue or issues such organization is supporting or  
347 opposing.‡

348 (h) If the committee is supporting the entire ticket of  
349 any party, a statement to that effect and the name of the  
350 party.‡

351 (i) A statement of whether the committee is a continuing  
352 one.‡

353 (j) Plans for the disposition of residual funds which will  
354 be made in the event of dissolution.‡

355 (k) A listing of all banks, safe-deposit boxes, or other  
356 depositories used for committee funds.‡ ~~and~~

HB 1793

2004  
CS

357 (1) A statement of the reports required to be filed by the  
358 committee with federal officials or agencies, if any, and the  
359 names, addresses, and positions of such officials or agencies.

360 (m) If the committee intends to publicly disseminate  
361 electioneering advertisements as provided in s. 106.1439, a  
362 statement to that effect. If the committee submits a statement  
363 of organization indicating that it will not publicly disseminate  
364 electioneering advertisements but at a later date decides  
365 otherwise, it must amend its statement of organization within 10  
366 days after the decision.

367 Section 3. Paragraph (c) of subsection (4) and subsection  
368 (5) of section 106.04, Florida Statutes, are amended to read:

369 106.04 Committees of continuous existence.--

370 (4)

371 (c) All committees of continuous existence shall file the  
372 original and one copy of their reports with the Division of  
373 Elections. In addition, a duplicate copy of each report shall be  
374 filed with the supervisor of elections in the county in which  
375 the committee maintains its books and records, except that if  
376 the filing officer to whom the committee is required to report  
377 is located in the same county as the supervisor no such  
378 duplicate report is required to be filed with the supervisor.  
379 Reports shall be on forms provided by the division and shall  
380 contain the following information:

381 1. The full name, address, and occupation of each person  
382 who has made one or more contributions, including contributions  
383 that represent the payment of membership dues, to the committee  
384 during the reporting period, together with the amounts and dates

HB 1793

2004  
CS

385 of such contributions. For corporations, the report must provide  
 386 as clear a description as practicable of the principal type of  
 387 business conducted by the corporation. However, if the  
 388 contribution is \$100 or less, the occupation of the contributor  
 389 or principal type of business need not be listed. However, for  
 390 any contributions that ~~which~~ represent the regular payment of  
 391 dues by members in a fixed amount not exceeding \$50 per payment  
 392 and \$250 in the aggregate of such payments per calendar year  
 393 pursuant to the schedule on file with the Division of Elections,  
 394 only the aggregate amount of such contributions need be listed,  
 395 together with the number of members paying such dues and the  
 396 amount of the membership dues.

397 2. The name and address of each political committee or  
 398 committee of continuous existence from which the reporting  
 399 committee received, ~~or the name and address of each political~~  
 400 ~~committee, committee of continuous existence, or political party~~  
 401 ~~to which it made,~~ any transfer of funds, together with the  
 402 amounts and dates of all transfers.

403 3. Any other receipt of funds not listed pursuant to  
 404 subparagraph 1. or subparagraph 2., including the sources and  
 405 amounts of all such funds.

406 4. The name and address of, and office sought by, each  
 407 candidate to whom the committee has made a contribution during  
 408 the reporting period, together with the amount and date of each  
 409 contribution.

410 5. The date, amount, and description of all expenditures  
 411 made by the committee, including the full name and address of

HB 1793

2004  
CS

412 each person to whom an expenditure for personal services or  
413 salary was made.

414 (d) The treasurer of each committee shall certify as to  
415 the correctness of each report and shall bear the responsibility  
416 for its accuracy and veracity. Any treasurer who willfully  
417 certifies to the correctness of a report while knowing that such  
418 report is incorrect, false, or incomplete commits a misdemeanor  
419 of the first degree, punishable as provided in s. 775.082 or s.  
420 775.083.

421 (5) No committee of continuous existence shall contribute  
422 to any candidate or political committee an amount in excess of  
423 the limits contained in s. 106.08(1) or participate in any other  
424 activity which is prohibited by this chapter. If any violation  
425 occurs, it shall be punishable as provided in this chapter for  
426 the given offense. No funds of a committee of continuous  
427 existence shall be expended on behalf of a candidate, except by  
428 means of a contribution made through the duly appointed campaign  
429 treasurer of a candidate. No such committee shall make  
430 expenditures for the purpose of publicly disseminating  
431 electioneering advertisements or in support of, or in opposition  
432 to, an issue unless such committee first registers as a  
433 political committee pursuant to this chapter and undertakes all  
434 the practices and procedures required thereof; ~~provided such~~  
435 ~~committee may make contributions in a total amount not to exceed~~  
436 ~~25 percent of its aggregate income, as reflected in the annual~~  
437 ~~report filed for the previous year, to one or more political~~  
438 ~~committees registered pursuant to s. 106.03 and formed to~~  
439 ~~support or oppose issues.~~



HB 1793

2004  
CS

440 Section 4. 106.045, Florida Statutes, is created to read:

441 106.045 Registration and reporting by partisan affinity  
442 groups.--

443 (1) For purposes of this section, "partisan affinity  
444 group" means a club or similar organization that is formed  
445 primarily to support the ideals and candidates of a single  
446 political party and:

447 (a) Is affiliated with a national and statewide  
448 organization that has at least 20 chapters in this state;

449 (b) All of its contributions are made to the state  
450 executive committee of the political party with which it is  
451 associated or to a single committee of continuous existence that  
452 is associated with its statewide parent organization; and

453 (c) The annual dues paid by any member less the cost of  
454 food, beverages, and meeting expenses of the group is not more  
455 than \$100.

456 (2) Each partisan affinity group shall file a registration  
457 and disclosure report with the Division of Elections no later  
458 than 5:00 p.m. of the 10th day preceding each general election.  
459 Such report shall contain:

460 (a) The name and address of the group.

461 (b) The names, addresses, and relationships of affiliated  
462 organizations.

463 (c) The names and addresses of its officers and of the  
464 person maintaining its books and financial records.

465 (d) A copy of its charter, by-laws, or similar proof that  
466 it meets the requirements of paragraph (1)(a).

467 (e) The current number of members in the group.

HB 1793

2004  
CS

468        (f) A statement of the gross receipts since the last  
469 general election, meeting and other noncontribution expenses  
470 during that time, and the net income available for  
471 contributions.

472        (g) The name and address of each entity to which one or  
473 more contributions were made since the last general election and  
474 the amounts of such contributions.

475  
476 Such report shall also contain a sworn statement by the  
477 president and treasurer of the group that, to the best of their  
478 knowledge and belief, the group qualifies as a partisan affinity  
479 group pursuant to this section.

480        (3) Late or incomplete reports for partisan affinity  
481 groups shall be governed by the provisions in s. 106.04(8),  
482 provided that the maximum fine that may be imposed is \$500.

483        Section 5. Effective January 1, 2005, section 106.0705,  
484 Florida Statutes, is created to read:

485        106.0705 Electronic filing of campaign treasurer's  
486 reports.--

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

490        (2)(a) Each candidate who is required to file reports with  
491 the division pursuant to s. 106.07 or s. 106.1439 must file such  
492 reports with the division by means of the division's electronic  
493 filing system.

494        (b) Each political committee, committee of continuous  
495 existence, or state executive committee that is required to file

HB 1793

2004  
CS

496 reports with the division under s. 106.04, s. 106.07, or s.  
497 106.29, as applicable, must file such reports with the division  
498 by means of the division's electronic filing system.

499 (c) Each person or organization that is required to file  
500 reports with the division under s. 106.071 or s. 106.1439 must  
501 file such reports with the division by means of the division's  
502 electronic filing system.

503 (3) Reports filed pursuant to this section shall be  
504 completed and filed through the electronic filing system not  
505 later than midnight of the day designated. Reports not filed by  
506 midnight of the day designated are late filed and are subject to  
507 the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3),  
508 as applicable. If the person, committee, or organization is  
509 unable to file electronically because of a problem with Internet  
510 communication, a written report containing the required  
511 information shall be filed by facsimile or hand delivery to the  
512 division no later than noon on the next business day.

513 (4) Each report filed pursuant to this section is  
514 considered to be under oath by the candidate and treasurer or  
515 the chair and treasurer, whichever is applicable, and such  
516 persons are subject to the provisions of s. 106.04(4)(d), s.  
517 106.07(5), or s. 106.29(2), as applicable. Persons given a  
518 secure sign-on to the electronic filing system are responsible  
519 for protecting such from disclosure and are responsible for all  
520 filings using such credentials, unless they have notified the  
521 division that their credentials have been compromised.

522 (5) The electronic filing system developed by the division  
523 must:

HB 1793

2004  
CS

- 524        (a) Be based on access by means of the Internet.
- 525        (b) Be accessible by anyone with Internet access using  
526 standard web-browsing software.
- 527        (c) Provide for direct entry of campaign finance  
528 information as well as upload of such information from campaign  
529 finance software certified by the division.
- 530        (d) Provide a method that prevents unauthorized access to  
531 electronic filing system functions.
- 532        (e) Have the capacity to handle the filing of at least 500  
533 reports by candidates, committees, and political parties within  
534 a 24-hour period.
- 535        (6) The division shall adopt rules to administer this  
536 section and provide for the reports required to be filed  
537 pursuant to this section. Such rules shall, at a minimum,  
538 provide:
- 539            (a) Alternate filing procedures in the event that the  
540 division's electronic filing system becomes inoperable.
- 541            (b) For the issuance of an electronic receipt to the  
542 person submitting the report that verifies that the report has  
543 been filed, including the time and date filed.
- 544        Section 6. Paragraph (a) of subsection (1) of section  
545 106.08, Florida Statutes, is amended to read:
- 546        106.08 Contributions; limitations on.--
- 547        (1)(a) Except for political parties, no person or related  
548 entity, political committee, or committee of continuous  
549 ~~existence~~ may, in any election, make contributions in excess of  
550 \$500 to any candidate for election to or retention in office, ~~or~~  
551 to any political committee supporting or opposing one or more

HB 1793

2004  
CS

552 candidates, or to any committee of continuous existence. Related  
553 entities shall be treated as a single entity for purposes of the  
554 contribution limits in this section. Candidates for the offices  
555 of Governor and Lieutenant Governor on the same ticket are  
556 considered a single candidate for the purpose of this section.

557 Section 7. Section 106.1439, Florida Statutes, is created  
558 to read:

559 106.1439 Electioneering advertisements.--

560 (1) Any individual that publicly disseminates  
561 electioneering advertisements must file regular reports of all  
562 contributions received and all expenditures made by such  
563 individual with the same officer as a political committee  
564 supporting or opposing the candidate referenced in the  
565 advertisements. Such reports shall be filed under penalty of  
566 perjury and are subject to the same filing requirements as  
567 reports required under s. 106.07 for candidates not receiving  
568 public financing. A political committee as defined in s.  
569 106.011(1)(a)1.e. or s. 106.011(1)(a)1.f. is exempt from the  
570 reporting requirements of this subsection.

571 (2)(a) If the initial publication of the electioneering  
572 advertisement occurs after the final regular report is due under  
573 subsection (1) but prior to the closing of the polls on election  
574 day, the person publicly disseminating the advertisement must  
575 file a report electronically with the division no later than 1  
576 hour after the advertisement has been contracted for, paid for,  
577 or aired or otherwise disseminated, whichever is earliest. The  
578 report must contain the same information as required of a  
579 candidate by s. 106.07. Upon receipt of the filing, the division

HB 1793

2004  
CS

580 shall electronically transmit a confirmation of receipt to the  
581 person filing the report. If the person is unable to file  
582 electronically because of a problem with Internet communication,  
583 a written report containing the required information shall be  
584 filed by facsimile or hand delivery to the division no later  
585 than 1 hour after the initial publication of the advertisement.  
586 However, if a report due to be filed under this paragraph on a  
587 Saturday, Sunday, or legal holiday cannot be electronically  
588 filed because of a problem with Internet communication, the  
589 report must be filed electronically or by facsimile or hand  
590 delivery to the division no later than 10 a.m. on the next  
591 business day.

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

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

599 1. The committee chair, committee treasurer, and any  
600 individuals having or exercising control of the committee's  
601 finances, if the person publicly disseminating the  
602 electioneering advertisement is a political committee, committee  
603 of continuous existence, or executive committee of a political  
604 party; or

605 2. The individual, if the person publicly disseminating  
606 the electioneering advertisement is a natural person who is not  
607 a candidate.

HB 1793

2004  
CS

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

613       (4)(a) All electioneering advertisements must include the  
 614 following disclosure statement, "Pd. Adv., Pd. for by ...(Full  
 615 name and street address of the person publicly disseminating the  
 616 advertisement)...".

617       (b) The disclosure statement must also be followed by the  
 618 full name of the person's four largest contributors making  
 619 contributions in excess of \$500 in the aggregate, if any.

620       1. If there are fewer than four largest contributors, all  
 621 largest contributors must be listed in the disclosure statement.

622       2. If there are more than four largest contributors, the  
 623 advertisement must list the first four largest contributors that  
 624 made contributions to the person publicly disseminating the  
 625 advertisement. If more than four largest contributors made  
 626 contributions on the same date, then the first four largest  
 627 contributors shall be determined alphabetically and listed in  
 628 the advertisement.

629       (c) Any statement required by paragraphs (a) and (b) shall  
 630 be printed clearly and legibly in a conspicuous manner, subject  
 631 to the following additional requirements:

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

634       2. If the communication is broadcast on television, the  
 635 statement shall be spoken and displayed at the end of the

HB 1793

2004  
CS

636 communication. A spoken disclosure statement is not required if  
637 the statement is displayed for at least 5 seconds of a 30-second  
638 communication or 10 seconds of a 60-second communication.

639 3. The statement shall direct listeners or viewers to the  
640 Internet website of the Division of Elections for more  
641 information.

642 (d) The Florida Elections Commission is authorized upon  
643 finding a violation of this subsection to impose a civil penalty  
644 in the form of a fine not to exceed \$5,000 or the total cost of  
645 the advertisements without the proper disclaimer, whichever is  
646 greater. In determining the amount of the penalty, the  
647 commission must consider any mitigating or aggravating  
648 circumstances prescribed in s. 106.265. This penalty shall  
649 substitute for the penalties provided in s. 106.265, shall be  
650 deposited into the General Revenue Fund of the state, and, if  
651 necessary, shall be collected pursuant to s. 106.265(2).

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

655 Section 8. For the purpose of incorporating the amendment  
656 to section 106.08, Florida Statutes, in a reference thereto,  
657 subsection (2) of section 106.075, Florida Statutes, is  
658 reenacted to read:

659 106.075 Elected officials; report of loans made in year  
660 preceding election; limitation on contributions to pay loans.--

661 (2) Any person who makes a contribution to an individual  
662 to pay all or part of a loan incurred, in the 12 months  
663 preceding the election, to be used for the individual's



HB 1793

2004  
CS

664 | campaign, may not contribute more than the amount which is  
665 | allowed in s. 106.08(1).

666 |       Section 9. For the purpose of incorporating the amendment  
667 | to section 106.08, Florida Statutes, in a reference thereto,  
668 | paragraph (a) of subsection (1) of section 106.19, Florida  
669 | Statutes, is reenacted to read:

670 |       106.19 Violations by candidates, persons connected with  
671 | campaigns, and political committees.--

672 |       (1) Any candidate; campaign manager, campaign treasurer,  
673 | or deputy treasurer of any candidate; committee chair, vice  
674 | chair, campaign treasurer, deputy treasurer, or other officer of  
675 | any political committee; agent or person acting on behalf of any  
676 | candidate or political committee; or other person who knowingly  
677 | and willfully:

678 |       (a) Accepts a contribution in excess of the limits  
679 | prescribed by s. 106.08;

680 |  
681 | is guilty of a misdemeanor of the first degree, punishable as  
682 | provided in s. 775.082 or s. 775.083.

683 |       Section 10. For the purpose of incorporating the amendment  
684 | to section 106.08, Florida Statutes, in a reference thereto,  
685 | subsection (5) of section 30 of chapter 2003-415, Laws of  
686 | Florida, is reenacted to read:

687 |       Section 30.

688 |       (5) For the 2004 elections, there shall be two elections  
689 | for purposes of the contribution limits in s. 106.08, Florida  
690 | Statutes.

HB 1793

2004  
CS

691           Section 11. If any provision of this act or its  
692 application to any person or circumstance is held to be invalid,  
693 the invalidity does not affect other provisions or applications  
694 of the act which can be given effect without the invalid  
695 provision or application and, to this end, the provisions of  
696 this act are severable.

697           Section 12. Except as otherwise provided herein, this act  
698 shall take effect upon becoming a law.