

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; requiring the
6 statement of organization to be sworn to under oath and
7 penalty of perjury; providing for personal liability;
8 revising content requirements of the statement of
9 organization; requiring amendment of the statement of
10 organization under certain circumstances; amending s.
11 106.04, F.S.; requiring membership dues of committees of
12 continuous existence to be reported in the same manner as
13 regular contributions, with specified exemptions;
14 requiring reporting of expenditures; prohibiting transfers
15 from committees of continuous existence to certain
16 political committees for certain purposes; providing
17 penalties; creating s. 106.045, F.S.; providing
18 registration and reporting requirements for partisan
19 affinity groups; providing a definition; providing
20 penalties for late or incomplete reports; creating s.
21 106.0705, F.S.; providing for electronic filing of
22 campaign treasurer's reports; providing a definition;
23 providing standards and guidelines; requiring the Division
24 of Elections to adopt rules to administer the electronic
25 filing system and its reports; amending s. 106.08, F.S.;
26 providing applicability of contribution limits to related
27 entities; providing limits on contributions to committees
28 of continuous existence; providing penalties; creating s.

29 | 106.1439, F.S.; requiring reporting of contributions and
 30 | expenditures for electioneering advertisements; providing
 31 | definitions; providing filing requirements; providing for
 32 | personal liability; requiring disclosure statements in
 33 | such advertisements and providing requirements thereof;
 34 | prohibiting certain contributions; providing penalties;
 35 | reenacting ss. 106.075(2) and 106.19(1)(a), F.S., and s.
 36 | 30(5), ch. 2003-415, Laws of Florida, relating to
 37 | limitations on contributions to pay loans, acceptance of
 38 | contributions in excess of the prescribed limits, and
 39 | applicability of contribution limits to the 2004
 40 | elections, respectively, to incorporate the amendment to
 41 | s. 106.08, F.S., in references thereto; providing
 42 | severability; providing effective dates.

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

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

50 | 106.011 Definitions.--As used in this chapter, the
 51 | following terms have the following meanings unless the context
 52 | clearly indicates otherwise:

53 | (1)(a) "Political committee" means:

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

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

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

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

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

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

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

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

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

82 | 1. Organizations which are certified by the Department of
 83 | State as committees of continuous existence pursuant to s.
 84 | 106.04, national political parties, and the state and county

85 executive committees of political parties regulated by chapter
86 103.

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

95 (3) "Contribution" means:

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

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

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

110 (d) The transfer of funds by a campaign treasurer or
111 deputy campaign treasurer between a primary depository and a
112 separate interest-bearing account or certificate of deposit, and

113 | the term includes any interest earned on such account or
114 | certificate.

115 |
116 | Notwithstanding the foregoing meanings of "contribution," the
117 | word shall not be construed to include services, including, but
118 | not limited to, legal and accounting services, provided without
119 | compensation by individuals volunteering a portion or all of
120 | their time on behalf of a candidate or political committee. This
121 | definition shall not be construed to include editorial
122 | endorsements.

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

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

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

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

164 (b) An expenditure for the purpose of advocating the
165 election or defeat of a candidate which is made by the national,
166 state, or county executive committee of a political party,
167 including any subordinate committee of a national, state, or

168 county committee of a political party, or by any political
 169 committee or committee of continuous existence, or any other
 170 person, shall not be considered an independent expenditure if
 171 the committee or person:

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

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

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

190 4. Makes a payment based on information about the
 191 candidate's plans, projects, or needs communicated to a member
 192 of the committee or person by the candidate or an agent of the
 193 candidate, provided the committee or person uses the information
 194 in any way, in whole or in part, either directly or indirectly,

195 | to design, prepare, or pay for the specific expenditure or
 196 | advertising campaign at issue; or

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

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

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

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

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

218 | (8) "Person" means an individual or a corporation,
 219 | association, firm, partnership, joint venture, joint stock
 220 | company, club, organization, estate, trust, business trust,
 221 | syndicate, political organization subject to the requirements of
 222 | 26 U.S.C. s. 527, limited liability company, limited liability

223 partnership, or other legal entity or other combination of
224 individuals having collective capacity. The term includes a
225 political party, political committee, or committee of continuous
226 existence.

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

237 (17) "Political advertisement" means a paid expression in
238 any communications media prescribed in subsection (13), whether
239 radio, television, newspaper, magazine, periodical, campaign
240 literature, direct mail, or display or by means other than the
241 spoken word in direct conversation, which shall support or
242 oppose any candidate, elected public official, or issue.
243 However, political advertisement does not include:

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

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

252 (c) An electioneering advertisement.

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

255 1. Is publicly disseminated after the end of the candidate
 256 qualifying period for the office sought by the candidate. An
 257 electioneering advertisement is considered publicly disseminated
 258 if it is aired, broadcast, or distributed by cable or other
 259 means for a fee.

260 2. Refers to a clearly identified candidate for office in
 261 any election.

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.

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

323 | (a) The name and address of the committee.~~;~~

324 | (b) The names, addresses, and relationships of affiliated
 325 | or connected organizations.~~;~~

326 | (c) The area, scope, or jurisdiction of the committee.~~;~~

327 | (d) The name, address, and position of the custodian of
 328 | books and accounts.~~;~~

329 | (e) The names name, addresses address, and positions
 330 | ~~position~~ of the individuals, whether in their individual
 331 | capacity or in a representative capacity, having or exercising
 332 | control over the organization's finances, and other principal

333 officers, including officers and members of the finance
 334 committee, if any.†

335 (f) The name, address, office sought, and party
 336 affiliation of:

337 1. Each candidate whom the committee is supporting or
 338 opposing.†

339 2. Any other individual, if any, whom the committee is
 340 supporting for nomination for election, or election, to any
 341 public office whatever.†

342 (g) Any issue or issues such organization is supporting or
 343 opposing.†

344 (h) If the committee is supporting the entire ticket of
 345 any party, a statement to that effect and the name of the
 346 party.†

347 (i) A statement of whether the committee is a continuing
 348 one.†

349 (j) Plans for the disposition of residual funds which will
 350 be made in the event of dissolution.†

351 (k) A listing of all banks, safe-deposit boxes, or other
 352 depositories used for committee funds.†~~and~~

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

356 (m) If the committee intends to publicly disseminate
 357 electioneering advertisements as provided in s. 106.1439, a
 358 statement to that effect. If the committee submits a statement
 359 of organization indicating that it will not publicly disseminate
 360 electioneering advertisements but at a later date decides

361 otherwise, it must amend its statement of organization within 10
 362 days after the decision.

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

365 106.04 Committees of continuous existence.--

366 (4)

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

377 1. The full name, address, and occupation of each person
 378 who has made one or more contributions, including contributions
 379 that represent the payment of membership dues, to the committee
 380 during the reporting period, together with the amounts and dates
 381 of such contributions. For corporations, the report must provide
 382 as clear a description as practicable of the principal type of
 383 business conducted by the corporation. However, if the
 384 contribution is \$100 or less, the occupation of the contributor
 385 or principal type of business need not be listed. However, for
 386 any contributions that ~~which~~ represent the regular payment of
 387 dues by members in a fixed amount not exceeding \$250 in the
 388 aggregate of such payments per calendar year per member

389 | pursuant to the schedule on file with the Division of Elections,
 390 | only the aggregate amount of such contributions need be listed,
 391 | together with the number of members paying such dues and the
 392 | amount of the membership dues.

393 | 2. The name and address of each political committee or
 394 | committee of continuous existence from which the reporting
 395 | committee received, ~~or the name and address of each political~~
 396 | ~~committee, committee of continuous existence, or political party~~
 397 | ~~to which it made,~~ any transfer of funds, together with the
 398 | amounts and dates of all transfers.

399 | 3. Any other receipt of funds not listed pursuant to
 400 | subparagraph 1. or subparagraph 2., including the sources and
 401 | amounts of all such funds.

402 | 4. The name and address of, and office sought by, each
 403 | candidate to whom the committee has made a contribution during
 404 | the reporting period, together with the amount and date of each
 405 | contribution.

406 | 5. The date, amount, and description of all expenditures
 407 | made by the committee, including the full name and address of
 408 | each person to whom an expenditure for personal services or
 409 | salary was made.

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

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

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

437 106.045 Registration and reporting by partisan affinity
 438 groups.--

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

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

445 (b) All of its contributions are made to the state
446 executive committee of the political party with which it is
447 associated, a single committee of continuous existence that is
448 associated with its statewide parent organization, or any
449 candidate pursuant to the limits in s. 106.08, which
450 contributions in the aggregate do not exceed \$2,000 in a
451 calendar year; and

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

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

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

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

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

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

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

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

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

474
475 Such report shall also contain a sworn statement by the
476 president and treasurer of the group that, to the best of their
477 knowledge and belief, the group qualifies as a partisan affinity
478 group pursuant to this section.

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

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

484 106.0705 Electronic filing of campaign treasurer's
485 reports.--

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

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

493 (b) Each political committee, committee of continuous
494 existence, or state executive committee that is required to file
495 reports with the division under s. 106.04, s. 106.07, or s.
496 106.29, as applicable, must file such reports with the division
497 by means of the division's electronic filing system.

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

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

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

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

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

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

526 (c) Provide for direct entry of campaign finance
 527 information as well as upload of such information from campaign
 528 finance software certified by the division.

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

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

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

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

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

543 Section 6. Paragraph (a) of subsection (1) of section
 544 106.08, Florida Statutes, is amended to read:

545 106.08 Contributions; limitations on.--

546 (1)(a) Except for political parties, no person or related
 547 entity, ~~political committee, or committee of continuous~~
 548 ~~existence~~ may, in any election, make contributions in excess of
 549 \$500 to any candidate for election to or retention in office, ~~or~~
 550 to any political committee supporting or opposing one or more
 551 candidates, or to any committee of continuous existence. Related
 552 entities shall be treated as a single entity for purposes of the
 553 contribution limits in this section. Candidates for the offices

554 of Governor and Lieutenant Governor on the same ticket are
555 considered a single candidate for the purpose of this section.

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

558 106.1439 Electioneering advertisements.--

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

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

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

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

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

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

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

607 (b) The individuals listed in paragraph (a) are liable for
 608 violations of filing requirements to the same extent as
 609 candidates pursuant to ss. 106.07(5), 106.19, and 106.265 and

610 shall be required to pay any fines assessed from their personal
 611 funds.

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

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

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

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

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

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

633 2. If the communication is broadcast on television, the
 634 statement shall be spoken and displayed at the end of the
 635 communication. A spoken disclosure statement is not required if
 636 the statement is displayed for at least 5 seconds of a 30-second
 637 communication or 10 seconds of a 60-second communication.

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

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

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

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

658 106.075 Elected officials; report of loans made in year
 659 preceding election; limitation on contributions to pay loans.--

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

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

669 106.19 Violations by candidates, persons connected with
 670 campaigns, and political committees.--

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

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

679
 680 is guilty of a misdemeanor of the first degree, punishable as
 681 provided in s. 775.082 or s. 775.083.

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

686 Section 30.

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

690 Section 11. If any provision of this act or its
 691 application to any person or circumstance is held to be invalid,
 692 the invalidity does not affect other provisions or applications

693 | of the act which can be given effect without the invalid
694 | provision or application and, to this end, the provisions of
695 | this act are severable.

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