

By Senator Wilson

33-615-05

1 A bill to be entitled

2 An act relating to campaign financing; creating

3 ss. 106.401-106.425, F.S., to establish the

4 "Florida Clean Elections Act"; providing a

5 short title; providing findings and

6 declarations; defining terms; providing

7 eligibility requirements for clean-money

8 campaign funding for candidates for statewide

9 or legislative office; providing transitional

10 requirements for the current election cycle;

11 providing a continuing obligation to comply;

12 providing limitations on contributions and

13 expenditures; providing limitations on the use

14 of personal funds; providing for seed-money

15 contributions; providing for participation in

16 debates; providing for certification of

17 eligibility; specifying benefits for

18 participating candidates; providing for the

19 amounts and payment schedule of clean-money

20 funding; providing limitations on the

21 expenditure of clean-money funds; providing for

22 disclosure of excess spending by

23 nonparticipating candidates; providing for

24 disclosure of and additional clean money to

25 respond to independent expenditures; providing

26 for disclosure of and additional clean money to

27 respond to issue advertisements; directing the

28 Secretary of State to create a nonpartisan

29 Voter Information Commission and providing its

30 duties; requiring publicly funded television

31 and radio stations to provide free coverage of

1 debates for specified elections; providing
2 limitations on mailing privileges of certain
3 public officials; providing revenue sources for
4 the Clean Money Trust Fund; providing for the
5 administration and dispersal of clean-money
6 funds; providing limits on political party
7 contributions and expenditures; amending s.
8 106.011, F.S.; redefining the term "political
9 advertisement"; amending s. 106.021, F.S.;
10 eliminating authorization for unrestricted
11 expenditures by political committees and
12 political parties to jointly endorse three or
13 more candidates; amending s. 106.08, F.S.;
14 providing limits on contributions to political
15 parties; revising limits on contributions to
16 candidates by political parties; providing
17 penalties; amending s. 106.087, F.S.;
18 eliminating a restriction on independent
19 expenditures by certain political committees
20 and committees of continuous existence;
21 conforming a cross-reference; reenacting s.
22 106.19(1) and (3), F.S., relating to penalties,
23 to incorporate the amendments to ss. 106.08 and
24 106.265, F.S., in references thereto; amending
25 s. 106.29, F.S.; revising reporting requirements
26 of political parties; conforming
27 cross-references; repealing ss. 106.30-106.36,
28 F.S., the "Florida Election Campaign Financing
29 Act," to conform; amending ss. 106.07, 106.141,
30 106.22, 106.265, 320.02, 322.08, 328.72,
31 607.1622, F.S.; revising references and

1 providing for deposit of various fines, surplus
2 funds, and voluntary contributions in the Clean
3 Money Trust Fund, to conform; providing for a
4 surcharge on civil penalties to be deposited
5 into the trust fund and for deposit of the
6 surcharge funds into the trust fund; reenacting
7 ss. 106.143(8) and 106.144(2), F.S., relating
8 to the circulation of political advertisements
9 and endorsements or opposition by certain
10 groups and organizations, to incorporate the
11 amendment to s. 106.265, F.S., in references
12 thereto; providing severability; providing a
13 contingent effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Sections 106.401 through 106.425, Florida
18 Statutes, are created to read:

19 106.401 Short title.--Sections 106.401-106.426 may be
20 cited as the "Florida Clean Elections Act."

21 106.402 Findings and declarations.--

22 (1) The Legislature finds and declares that the
23 current system of privately financed campaigns for election to
24 statewide and legislative offices undermines democracy in this
25 state in the following principal ways:

26 (a) It violates the democratic principle of "one
27 person, one vote" and diminishes the meaning of the right to
28 vote by allowing large contributions to have a deleterious
29 influence on the political process.

30 (b) It violates the rights of all citizens to equal
31 and meaningful participation in the democratic process.

1 (c) It diminishes the free-speech rights of nonwealthy
2 voters and candidates whose voices are drowned out by those
3 who can afford to monopolize the arena of paid political
4 communications.

5 (d) It undermines the First Amendment right of voters
6 and candidates to be heard in the political process, the First
7 Amendment right of voters to hear all candidates' speech, and
8 the core First Amendment value of open and robust debate in
9 the political process.

10 (e) It fuels the public perception of corruption and
11 undermines public confidence in the democratic process and
12 democratic institutions.

13 (f) It drives up the cost of election campaigns,
14 making it difficult for qualified candidates without access to
15 wealthy contributors or personal fortunes to mount competitive
16 campaigns.

17 (g) It places challengers at a disadvantage, because
18 wealthy contributors tend to give their money to incumbents,
19 thus causing elections to be less competitive.

20 (h) It inhibits communication with the electorate by
21 candidates without access to large sums of campaign money.

22 (i) It burdens candidates with the incessant rigors of
23 fundraising and thus decreases the time available to fully
24 present their candidacies and ideas to the public.

25 (2) The Legislature finds and declares that providing
26 a voluntary clean-money campaign finance system for all
27 primary and general elections would enhance democracy in the
28 state in the following principal ways:

29 (a) It would help eliminate the deleterious influence
30 of large contributions on the political process, remove access
31 to wealth as a major determinant of a person's influence

1 within the political process, and restore meaning to the
2 principle of "one person, one vote."

3 (b) It would help restore the rights of all citizens
4 to equal and meaningful participation in the democratic
5 process.

6 (c) It would restore the free-speech rights of
7 nonwealthy candidates and voters by providing candidates with
8 the equal resources with which to communicate with the voters.

9 (d) It would help restore the First Amendment right of
10 voters and candidates to be heard in the political process,
11 the First Amendment right of voters to hear all candidates'
12 speech, and the core First Amendment value of open and robust
13 debate in the political process.

14 (e) It would diminish the public perception of
15 corruption and strengthen public confidence in the democratic
16 process and democratic institutions.

17 (f) It would halt and reverse the escalating cost of
18 elections.

19 (g) It would create a more level playing field for
20 incumbents and challengers, create genuine opportunities for
21 qualified residents of this state to run for statewide or
22 legislative office, and encourage more competitive elections.

23 (h) It would facilitate communication with the
24 electorate by candidates, regardless of their access to large
25 sums of campaign money.

26 (i) It would free candidates from the incessant rigors
27 of raising money and allow them more time to fully present
28 their candidacies and ideas to the public.

29 (3) The Legislature further finds and declares that
30 the unique factual circumstances in this state require that
31 ss. 106.401-106.426 be enacted to promote the compelling state

1 interests listed in subsection (2). The provisions of ss.
2 106.401-106.426 are designed to create a rough proportionality
3 between the benefits and restrictions that apply to
4 participating candidates. However, it should be clear that
5 the provisions of ss. 106.401-106.426 are not entirely
6 neutral. Participating candidates are deliberately favored to
7 further the compelling state interest of encouraging
8 participation in the public financing program.

9 106.403 Definitions.--As used in ss. 106.401-106.426,
10 the term:

11 (1) "Allowable contribution" means a qualifying
12 contribution or a seed-money contribution.

13 (2) "Clean-money qualifying period" means the period
14 during which candidates for statewide or legislative office
15 are permitted to collect qualifying contributions in order to
16 qualify for clean-money funding. For legislative races, it
17 begins on the 60th day before the beginning of the first
18 primary election campaign period and ends on the 30th day
19 before the day of the first primary election. For
20 gubernatorial and other statewide races, it begins on the
21 120th day before the beginning of the first primary election
22 campaign period and ends on the 30th day before the day of the
23 first primary election.

24 (3) "Commission" means the Florida Elections
25 Commission.

26 (4) "Department" means the Department of State.

27 (5) "Division" means the Division of Elections of the
28 Department of State.

29 (6) "Excess expenditure amount" means the amount of
30 money spent or obligated to be spent by a nonparticipating
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1 candidate in excess of the clean-money amount available to a
2 participating candidate running for the same office.

3 (7) "First primary election campaign period" means the
4 period beginning on the 60th day before the first primary
5 election and ending on the day of the first primary election.

6 (8) "General election campaign period" means the
7 period beginning the day after the first or second primary
8 election, whichever is the last primary election at which the
9 office sought is contested, and ending on the day of the
10 general election.

11 (9) "Immediate family" means the candidate's spouse,
12 parents, and children.

13 (10) "Independent candidate" means a candidate for
14 statewide or legislative office who does not represent a
15 political party that has been granted ballot status and holds
16 a primary election to choose its nominee for the general
17 election.

18 (11) "Mass mailing" means any mailing of 200 or more
19 identical or substantively identical pieces of mail sent by a
20 candidate for statewide or legislative office or an elected
21 official holding a statewide or legislative office to the
22 voters, residents, or postal boxholders within the territorial
23 jurisdiction of the office sought by such candidate or held by
24 such official. Such mailings, consisting of substantively
25 identical letters, newsletters, pamphlets, brochures, or other
26 written material, are distinct from mailings made in direct
27 response to communications from persons or groups to whom the
28 matter is mailed; mailings to federal, state, or local
29 government officials; and news releases to the communications
30 media, all of which are exempt from this definition.

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1 (12) "Nonparticipating candidate" means a candidate
2 for statewide or legislative office who is on the ballot but
3 has chosen not to apply for clean-money campaign funding or a
4 candidate for statewide or legislative office who is on the
5 ballot and has applied but has not satisfied the requirements
6 for receiving clean-money funding.

7 (13) "Participating candidate" means a candidate for
8 statewide or legislative office who qualifies for clean-money
9 campaign funding. Such candidates are eligible to receive
10 clean-money funding during primary and general election
11 campaign periods.

12 (14) "Party candidate" means a candidate for statewide
13 or legislative office who represents a political party that
14 has been granted ballot status and holds a primary election to
15 choose its nominee for the general election.

16 (15) "Qualifying contribution" means a contribution of
17 \$5 that is received during the applicable clean-money
18 qualifying period by a candidate seeking to become eligible
19 for clean-money campaign funding and that is acknowledged by a
20 written receipt identifying the contributor. Contributors
21 must be registered voters who reside within the territorial
22 jurisdiction of the office and who are therefore eligible to
23 vote for that candidate. Qualifying contributions must be made
24 in cash or by check or money order; must be accompanied by a
25 receipt fully identifying the contributor, which includes a
26 signed statement indicating that he or she fully understands
27 the purpose of the contribution and that the contribution is
28 made without coercion or reimbursement; and must be turned
29 over to the division for deposit in the Clean Money Trust
30 Fund. Qualifying contributions must be gathered by the
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1 candidates themselves or by volunteers who receive no
2 compensation.

3 (16) "Second primary election campaign period" means
4 the period beginning the day after the first primary election
5 and ending on the day of the second primary election.

6 (17) "Seed-money contribution" means a contribution of
7 no more than \$100 in the aggregate from any one source during
8 the seed-money period. The term does not include payments by
9 a membership organization for the costs of communications to
10 its members, payments by a membership organization for the
11 purpose of facilitating the making of qualifying
12 contributions, and volunteer activity, including the payment
13 of incidental expenses by volunteers.

14 (18) "Seed-money period" means the period beginning
15 the day following the previous general election for the office
16 sought and ending on the last day of the clean-money
17 qualifying period. This is the exploratory period during
18 which candidates who wish to become eligible for clean-money
19 funding for the next elections are permitted to raise and
20 spend a limited amount of private seed money, in contributions
21 of up to \$100 per individual, for the purpose of testing the
22 waters and fulfilling the clean-money eligibility
23 requirements.

24 (19) "Statewide office" means the office of Governor
25 or Cabinet member. The office of Governor includes the office
26 of Lieutenant Governor as a single joint candidacy in
27 accordance with s. 99.063.

28 106.404 Eligibility for clean-money campaign funding
29 for party candidates.--

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1 (1) A party candidate qualifies as a participating
2 candidate for the first and second primary election campaign
3 periods if the candidate:

4 (a) Files a declaration with the division that he or
5 she has complied and will continue to comply with the
6 requirements of ss. 106.401-106.426, especially the
7 requirement that during the seed-money period and the
8 clean-money qualifying period the candidate not accept or
9 spend private contributions from any source other than
10 seed-money contributions and qualifying contributions unless
11 s. 106.406 applies; and

12 (b) Meets the following qualifying contribution
13 requirements before the close of the clean-money qualifying
14 period:

15 1. A party candidate must collect at least the
16 following number of qualifying contributions:

17 a. For a candidate running for the office of state
18 representative, 500.

19 b. For a candidate running for the office of state
20 senator, 1,500.

21 c. For a candidate running for Cabinet office, 15,000.

22 d. For a candidate running for the office of Governor,
23 20,000.

24 2. Each qualifying contribution must be:

25 a. Acknowledged by a receipt to the contributor with a
26 copy to be kept by the candidate and a copy to be submitted to
27 the division. The receipt shall indicate, by the
28 contributor's signature, that the contributor understands that
29 the purpose of the contribution is to help the candidate
30 qualify for clean-money campaign funding and that he or she is
31 currently registered to vote in the territorial jurisdiction

1 of the office sought by the candidate. The receipt must
2 include the contributor's signature, printed name, home
3 address, and telephone number and the name of the candidate on
4 whose behalf the contribution is made.

5 b. Submitted, with the copy of the signed and
6 completed receipt, to the division according to the schedule
7 and procedure determined by the division. A contribution
8 submitted as a qualifying contribution that does not include
9 the copy of the signed and completed receipt may not be
10 counted as a qualifying contribution.

11 (2) A party candidate qualifies as a participating
12 candidate for the general election campaign period if:

13 (a) He or she has met all of the applicable
14 requirements of ss. 106.401-106.426 and filed a declaration
15 with the division that he or she has fulfilled and will
16 continue to fulfill the requirements of a participating
17 candidate as stated in ss. 106.401-106.426; and

18 (b) As a participating candidate during the first and
19 second primary election campaign periods, he or she received
20 the highest number of votes of the candidates contesting the
21 primary elections from his or her respective party or, by
22 other means, won the party's official nomination.

23 106.405 Eligibility for clean-money campaign funding
24 for independent candidates.--

25 (1) An independent candidate qualifies as a
26 participating candidate for the first and second primary
27 election campaign periods if the candidate:

28 (a) Files a declaration with the division that he or
29 she has complied and will continue to comply with the
30 requirements of ss. 106.401-106.426, especially the
31 requirement that during the seed-money period and the

1 clean-money qualifying period the candidate not accept or
2 spend private contributions from any source other than
3 seed-money contributions and qualifying contributions unless
4 s. 106.406 applies; and

5 (b) Meets the following qualifying contribution
6 requirements before the close of the clean-money qualifying
7 period:

8 1. An independent candidate must collect the same
9 number of qualifying contributions as a party candidate must
10 collect for the same office as provided in s. 106.404.

11 2. Each qualifying contribution must be:

12 a. Acknowledged by a receipt to the contributor, with
13 a copy to be kept by the candidate and a copy to be submitted
14 to the division. The receipt must indicate, by the
15 contributor's signature, that the contributor understands that
16 the purpose of the contribution is to help the candidate
17 qualify for clean-money campaign funding and that he or she is
18 currently registered to vote in the territorial jurisdiction
19 of the office sought by the candidate. The receipt must
20 include the contributor's signature, printed name, home
21 address, and telephone number and the name of the candidate on
22 whose behalf the contribution is made.

23 b. Submitted, with the copy of the signed and
24 completed receipt, to the division according to the schedule
25 and procedure determined by the division. A contribution
26 submitted as a qualifying contribution that does not include
27 the copy of the signed and completed receipt may not be
28 counted as a qualifying contribution.

29 (2) An independent candidate qualifies as a
30 participating candidate for the general election campaign
31 period if:

1 (a) Before the first and second primary election, he
2 or she has met all of the applicable requirements of ss.
3 106.401-106.426 and filed a declaration with the division that
4 he or she has fulfilled and will continue to fulfill the
5 requirements of a participating candidate as stated in ss.
6 106.401-106.426; and

7 (b) During the first and second primary election
8 campaign periods, he or she has fulfilled all of the
9 requirements of a participating candidate as stated in ss.
10 106.401-106.426.

11 106.406 Transitional requirements for current election
12 cycle.--During the election cycle in effect on July 1, 2005, a
13 candidate may be certified as a participating candidate,
14 notwithstanding the acceptance of contributions or the making
15 of expenditures from private funds before July 1, 2005, which
16 would otherwise disqualify the candidate as a participating
17 candidate, if all private funds accepted but not expended
18 before July 1, 2005, are either returned to the contributors
19 or submitted to the division for deposit in the Clean-Money
20 Trust Fund.

21 106.407 Continuing obligation to comply.--A
22 participating candidate who accepts any benefits during the
23 first and second primary election campaign periods must comply
24 with all requirements of ss. 106.401-106.426 through the
25 general election campaign period whether or not he or she
26 continues to accept benefits, unless the candidate either
27 loses in one of the primary elections or withdraws his or her
28 candidacy and subsequently is selected as a candidate for
29 Lieutenant Governor with a nonparticipating candidate for
30 Governor.

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1 106.408 Contributions and expenditures; limitations
2 and reporting.--

3 (1) During the primary and general election campaign
4 periods, a participating candidate who has voluntarily agreed
5 to participate in and has become eligible for clean-money
6 benefits may not accept private contributions from any source
7 other than the candidate's political party.

8 (2) A person may not make a contribution in the name
9 of another person. A participating candidate who receives a
10 qualifying contribution or seed-money contribution that is not
11 from the person listed on the receipt required by s.
12 106.404(1)(b)2., s. 106.405(1)(b)2., or s. 106.41(3) is liable
13 to pay the commission the entire amount of the illegal
14 contribution, in addition to any other penalties prescribed by
15 this chapter.

16 (3) During the primary and general election campaign
17 periods, a participating candidate must pay for all of his or
18 her campaign expenditures, except petty cash expenditures, by
19 means of the clean money debit card, as specified in s.
20 106.424.

21 (4) Eligible candidates shall furnish complete
22 campaign records, including all records of seed-money
23 contributions and qualifying contributions, to the division at
24 regular filing times or on request by the division.
25 Candidates must cooperate with any audit or examination by the
26 division or the commission.

27 106.409 Use of personal funds.--

28 (1) Personal funds contributed as seed money by a
29 candidate seeking to become eligible as a participating
30 candidate or by adult members of his or her immediate family
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1 may not exceed the maximum of \$100 in the aggregate per
2 contributor.

3 (2) Personal funds may not be used to meet the
4 qualifying contribution requirement except for one qualifying
5 contribution from the candidate and one qualifying
6 contribution from the candidate's spouse, provided the
7 candidate and his or her spouse are registered voters of the
8 territorial jurisdiction of the office sought by the
9 candidate.

10 106.41 Seed-money contributions.--

11 (1) The only private contributions a candidate seeking
12 to become eligible for clean-money funding may accept, other
13 than qualifying contributions, are seed-money contributions
14 contributed before the end of the clean-money qualifying
15 period.

16 (2) A seed-money contribution may not exceed \$100 in
17 the aggregate from any one source, and the aggregate amount of
18 seed-money contributions from all sources accepted by a
19 candidate seeking to become eligible for clean-money funding
20 may not exceed:

21 (a) For a candidate running for the office of state
22 representative, \$10,000.

23 (b) For a candidate running for the office of state
24 senator, \$30,000.

25 (c) For a candidate running for Cabinet office,
26 \$200,000.

27 (d) For a candidate running for the office of
28 Governor, \$500,000.

29 (3) Receipts for seed-money contributions under \$25
30 must include the contributor's signature, printed name, and
31 address. Receipts for seed-money contributions of \$25 or more

1 must include the contributor's signature, printed name, street
2 address and zip code, telephone number, occupation, and name
3 of employer. Contributions may not be accepted if the
4 required disclosure information is not provided.

5 (4) Seed money may be spent only during the
6 clean-money qualifying period. Seed money may not be spent
7 during the primary or general election campaign periods.

8 (5) Within 48 hours after the close of the clean-money
9 qualifying period, each candidate seeking to become eligible
10 for clean-money funding must fully disclose all seed-money
11 contributions and expenditures to the division and turn over
12 to the division for deposit in the Clean Money Trust Fund any
13 seed money raised during the applicable seed-money period that
14 exceeds the aggregate seed-money limit.

15 106.411 Participation in debates.--

16 (1) Participating candidates must participate in one
17 1-hour debate during a contested first primary election, one
18 1-hour debate during a contested second primary election, and
19 two 1-hour debates during a contested general election when
20 public debate opportunities are available.

21 (2) Licensed broadcasters receiving state funding or
22 providing publicly authorized cable services are required to
23 publicly broadcast one such debate, when practicable, for
24 gubernatorial and other statewide races.

25 (3) Nonparticipating candidates for the same offices
26 whose names will appear on the ballot must be invited to join
27 the debates.

28 106.412 Certification of eligibility.--

29 (1) No more than 5 days after a candidate applies for
30 clean-money benefits, the division shall certify or fail to
31 certify the candidate as eligible. Eligibility may be revoked

1 if the candidate violates any of the requirements of ss.
2 106.401-106.426, in which case all clean-money funds received
3 by the candidate must be repaid.

4 (2) The candidate's request for eligibility
5 certification shall be signed by the candidate and his or her
6 campaign treasurer under penalty of perjury.

7 (3) The division's determination is final, except that
8 it is subject to examination and audit by an outside agency
9 and to a prompt, expedited judicial review.

10 106.413 Benefits provided to candidates eligible to
11 receive clean money.--

12 (1) Candidates who qualify for clean-money funding for
13 primary and general elections shall:

14 (a) Receive clean-money funding from the division for
15 each election in the amounts specified in s. 106.415. This
16 funding may be used to finance any and all campaign expenses
17 during the particular campaign period for which it was
18 allocated.

19 (b) Receive media benefits and mailing privileges as
20 provided in ss. 106.401-106.426, including up to \$5,000 each
21 election for broadcasting expenses for qualified political
22 advertisements that are determined under s. 106.42 as meeting
23 the standards of "Truth in Campaigning" established by the
24 Voter Information Commission and the division.

25 (c) Receive additional clean-money funding to match
26 any excess expenditure amount spent by nonparticipating
27 candidates, as specified in s. 106.417.

28 (d) Receive additional clean-money funding to match
29 any independent expenditure made in opposition to their
30 candidacies or on behalf of their opponents' candidacies, as
31 specified in s. 106.418.

1 (e) Receive additional clean-money funding to match
2 any issue advertisement made in opposition to their
3 candidacies or on behalf of their opponents' candidacies, as
4 specified in s. 106.419.

5 (2) The maximum aggregate amount of additional funding
6 a participating candidate may receive to match independent
7 expenditures, issue advertisements, and the excess
8 expenditures of nonparticipating candidates is 300 percent of
9 the full amount of clean-money funding allocated to the
10 candidate for a particular primary or general election
11 campaign period.

12 106.414 Schedule of clean-money payments.--

13 (1)(a) An eligible party candidate shall receive his
14 or her clean-money funding for the first or second primary
15 election campaign period on the date on which the division
16 certifies the candidate as a participating candidate. This
17 certification shall take place no later than 5 days after the
18 candidate has submitted the required number of qualifying
19 contributions and a declaration stating that he or she has
20 complied with all other requirements for eligibility as a
21 participating candidate, but no earlier than the beginning of
22 the first or second primary election campaign period.

23 (b) An eligible party candidate shall receive his or
24 her clean-money funding for the general election campaign
25 period within 48 hours after certification of the applicable
26 primary election results.

27 (2)(a) An eligible independent candidate shall receive
28 his or her clean-money funding for the first or second primary
29 election campaign period on the date on which the division
30 certifies the candidate as a participating candidate. This
31 certification shall take place no later than 5 days after the

1 candidate has submitted the required number of qualifying
2 contributions and a declaration stating that he or she has
3 complied with all other requirements for eligibility as a
4 participating candidate, but no earlier than the beginning of
5 the first or second primary election campaign period.

6 (b) An eligible independent candidate shall receive
7 his or her clean-money funding for a general election campaign
8 period within 48 hours after certification of the applicable
9 primary election results.

10 106.415 Determination of clean-money amounts.--

11 (1)(a) The amount of clean-money funding for an
12 eligible party candidate in a contested first primary election
13 is:

14 1. For a candidate running for the office of state
15 representative, \$45,000.

16 2. For a candidate running for the office of state
17 senator, \$135,000.

18 3. For a candidate running for Cabinet office,
19 \$700,000.

20 4. For a candidate running for the office of Governor,
21 \$2 million.

22 (b) The clean-money amount for an eligible party
23 candidate in an uncontested first primary election is 10
24 percent of the amount provided in a contested first primary
25 election.

26 (c) The clean-money amount for an eligible party
27 candidate in a second primary election is 25 percent of the
28 amount authorized for that candidate for the first primary
29 election.

30 (d) The amount of clean-money funding for an eligible
31 party candidate in a contested general election is:

1 1. For a candidate running for the office of state
2 representative, \$60,000.

3 2. For a candidate running for the office of state
4 senator, \$180,000.

5 3. For a candidate running for Cabinet office, \$1
6 million.

7 4. For a candidate running for the office of Governor,
8 \$5 million.

9 (2)(a) The clean-money amount for an eligible
10 independent candidate in a primary election is 10 percent of
11 the amount received by a party candidate in a contested
12 primary election.

13 (b) The clean-money amount for an eligible independent
14 candidate in the general election is the same as the full
15 amount received by a party candidate in the general election.

16 (3) After the first cycle of elections subject to ss.
17 106.401-106.426, the division shall adjust the clean-money
18 amounts authorized under this section based on the rate of
19 inflation or the cost-of-living index.

20 106.416 Expenditures made with clean-money funds.--

21 (1) The clean-money funding received by a
22 participating candidate may be used only for the purpose of
23 defraying that candidate's campaign-related expenses during a
24 particular election campaign period for which the clean-money
25 funding was allocated.

26 (2) Clean-money funding may not be used in violation
27 of the law or to repay any personal, family, or business
28 loans, expenditures, or debts.

29 106.417 Disclosure of excess spending by
30 nonparticipating candidates.--
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1 (1) If a nonparticipating candidate's total
2 expenditures for a primary or general election campaign period
3 exceed the amount of clean-money funding allocated to his or
4 her clean-money opponent for that period, he or she shall
5 disclose to the division within 48 hours each excess
6 expenditure amount that, in the aggregate, is more than
7 \$1,000.

8 (2) During the last 20 days before the end of the
9 applicable campaign period, a nonparticipating candidate shall
10 disclose to the division each excess expenditure amount that,
11 in the aggregate, is more than \$500, within 24 hours of when
12 the expenditure is made or obligated to be made.

13 (3) The division may make its own determination as to
14 whether excess expenditures have been made by nonparticipating
15 candidates.

16 (4) Upon receiving an excess expenditure disclosure
17 under this section, the division shall immediately release
18 additional clean-money funding to the opposing participating
19 candidate equal to the excess expenditure amount the
20 nonparticipating candidate has spent or intends to spend,
21 subject to the limit set forth in s. 106.413(2).

22 106.418 Disclosure of and additional clean money to
23 respond to independent expenditures.--

24 (1) As used in this section, the term:

25 (a) "Coordination" means a payment made for a
26 communication or anything of value that is for the purpose of
27 influencing the outcome of an election for statewide or
28 legislative office and that is made:

29 1. By a person in cooperation, consultation, or
30 concert with, at the request or suggestion of, or pursuant to
31 a particular understanding with a candidate, a candidate's

1 campaign committee, or an agent acting on behalf of a
2 candidate or a candidate's campaign committee;

3 2. By a person for the dissemination, distribution, or
4 republication, in whole or in part, of any broadcast or any
5 written, graphic, or other form of campaign material prepared
6 by a candidate, a candidate's campaign committee, or an agent
7 of a candidate or a candidate's campaign committee;

8 3. Based on specific information about the candidate's
9 plans, projects, or needs provided to the person making the
10 payment by the candidate or the candidate's agent who provides
11 the information with a view toward having the payment made;

12 4. By a person if, in the same election cycle in which
13 the payment is made, the person making the payment is serving
14 or has served as a member, employee, fund raiser, or agent of
15 the candidate's campaign committee in an executive or
16 policymaking position;

17 5. By a person if the person making the payment has
18 served in any formal policymaking or advisory position with
19 the candidate's campaign or has participated in strategic or
20 policymaking discussions with the candidate's campaign
21 relating to the candidate's pursuit of nomination for election
22 or election to a statewide or legislative office in the same
23 election cycle as the election cycle in which the payment is
24 made; or

25 6. By a person if the person making the payment
26 retains the professional services of an individual or person
27 who, in a nonministerial capacity, has provided or is
28 providing campaign-related services in the same election cycle
29 to a candidate who is pursuing the same nomination or election
30 as any of the candidates to whom the communication refers.
31

1 (b) "Express advocacy" means a communication that is
2 made through a broadcast medium, newspaper, magazine,
3 billboard, direct mail, or similar type of general public
4 communication or political advertising that advocates the
5 election or defeat of a clearly identifiable candidate,
6 including any communication that contains a phrase such as
7 "vote for," "re-elect," "support," "cast your ballot for,"
8 "(name of candidate) for (name of office)," "(name of
9 candidate) in (year)," "vote against," "defeat," or "reject"
10 or contains campaign slogans or individual words that in
11 context can have no reasonable meaning other than to recommend
12 the election or defeat of one or more clearly identifiable
13 candidates. The term does not include any news story,
14 commentary, or editorial by a broadcasting station, newspaper,
15 magazine, or other publication, if the entity is not owned by
16 or affiliated with any candidate or candidate committee or a
17 regularly published newsletter or other communication whose
18 circulation is limited to an organization's members,
19 employees, shareholders, other affiliated individuals, and
20 those who request or purchase the internal publication.

21 (c) "Independent expenditure" means an expenditure
22 made by a person or group other than a candidate or a
23 candidate's campaign committee which is made for a
24 communication that contains express advocacy and is made
25 without the participation or cooperation of and without
26 coordination with a candidate or a candidate's campaign
27 committee.

28 (d) "Professional services" includes services in
29 support of a candidate's pursuit of nomination for election or
30 election to statewide or legislative office, such as polling,
31 media advice, direct mail, fundraising, or campaign research.

1 (2)(a) Any person who makes an independent expenditure
2 in support of or in opposition to a candidate for statewide or
3 legislative office during a primary or general election
4 campaign period which, in the aggregate, exceeds \$1,000 shall
5 report each such expenditure within 48 hours to the division.

6 (b) The report to the division shall include a
7 statement, under penalty of perjury, by the person making the
8 independent expenditure identifying the candidate whom the
9 independent expenditure is intended to help elect or defeat
10 and affirming that the expenditure is totally independent and
11 involves no cooperation or coordination with a candidate or
12 political party.

13 (c) An individual or organization may file a complaint
14 with the commission if the individual or organization believes
15 that such a statement is false. The commission shall make a
16 prompt determination about such a complaint.

17 (3) Upon receiving a report under this section that an
18 independent expenditure has been made or is obligated to be
19 made, the division shall immediately release additional
20 clean-money funding, equal in amount to the cost of the
21 independent expenditure, to all participating candidates whom
22 the independent expenditure is intended to oppose or defeat,
23 if the maximum aggregate amount of additional funding a
24 participating candidate receives to match independent
25 expenditures, issue advertisements, and the excess
26 expenditures of nonparticipating candidates is no more than
27 300 percent of the full amount of clean-money funding
28 allocated to a participating candidate in that election and
29 the aggregate amount of the campaign expenditures combined
30 with the amount of the independent expenditures of the
31 nonparticipating candidate benefiting from the independent

1 expenditure exceeds the amount of clean-money funding received
2 by the participating candidate.

3 (4) Funding in the same amounts must also be granted
4 to any participating candidate when another participating
5 candidate benefits, however unintentionally, from independent
6 expenditures that, in the aggregate with other expenditures,
7 exceed the clean-money amount received by the participating
8 candidates.

9 106.419 Disclosure of, and additional clean money to
10 respond to, issue advertisements.--

11 (1) As used in this section, the term "issue
12 advertisement" means a communication through a broadcasting
13 station, newspaper, magazine, outdoor advertising facility,
14 mailing, or any other type of general public political
15 advertising the purchase of which is not an independent
16 expenditure or a contribution and which costs, in the
17 aggregate, \$1,000 or more, contains the name or likeness of
18 one or more candidates, is communicated during a primary or
19 general election period, and recommends a position on a
20 political issue.

21 (2) A person who makes a disbursement to purchase an
22 issue advertisement shall file a report with the division not
23 later than 48 hours after making the disbursement which
24 specifies the amount of the disbursement, the name and address
25 of the person making the disbursement, the purpose of the
26 issue advertisement, and the script or a printed or duplicated
27 audio copy of the advertisement.

28 (3) Upon receiving a report under this section that an
29 issue advertisement has been made or is obligated to be made,
30 and upon determination that the advertisement can reasonably
31 be interpreted as having the effect of promoting the defeat of

1 a participating candidate or the election of that candidate's
2 opponent, the division shall immediately authorize the release
3 to that candidate of additional clean-money funding, equal in
4 amount to the cost of the issue advertisement, subject to the
5 limit set forth in s. 106.413(2).

6 106.42 Voter Information Commission.--

7 (1) The Secretary of State shall establish and
8 administer a nonpartisan Voter Information Commission
9 consisting of representatives of nonprofit organizations,
10 political parties, the media, and interested citizens.

11 (2) The Voter Information Commission may establish a
12 voter information program for the purpose of providing voters
13 with election-related information and fostering political
14 dialogue and debate.

15 (3) The Voter Information Commission shall organize
16 the publication and distribution of a voter information guide
17 that includes important information about candidates appearing
18 on the ballot, including biographical material submitted by
19 the candidates; information on whether candidates are funding
20 their campaigns with public money or private money; policy
21 statements by the candidates or their political parties on
22 issues designated by the Voter Information Commission and
23 other issues; and, when pertinent, candidates' voting records.

24 (4) The Voter Information Commission shall evaluate,
25 or delegate the evaluation of, the veracity of a candidate's
26 own political advertisements submitted by participating
27 candidates to determine whether each advertisement meets the
28 standards of "Truth in Campaigning" as established by the
29 Voter Information Commission and the division and reviewed
30 biennially before the filing date for candidates in each
31 general election year. Upon determination of qualification

1 for an advertisement, the Voter Information Commission shall
2 immediately notify the candidate and the division that the
3 advertisement meets the established standards of "Truth in
4 Campaigning."

5 106.421 Broadcast debates.--

6 (1) All television and radio broadcast stations
7 publicly funded in part or providing publicly approved cable
8 services shall make available, as a condition of their
9 licenses, free coverage for gubernatorial and other statewide
10 candidate debates in contested primary and general elections.

11 (2) At a minimum, broadcasters shall broadcast, when
12 practicable, and participating candidates in gubernatorial and
13 other statewide races shall participate in, one 1-hour debate
14 during a contested primary election and two 1-hour debates
15 during a contested general election.

16 (3) All participating candidates shall participate in
17 public debates when practicable, and all nonparticipating
18 candidates for the same offices whose names will appear on the
19 ballot must be invited to join the debates.

20 106.422 Limit on use of public official mailing
21 privileges.--

22 (1) Except as provided in subsection (2), an elected
23 official holding a statewide or legislative office shall not
24 mail any mass mailing as government mail during the period
25 between July 1 of the election year and the date of the
26 general election for that office, unless the official has made
27 a public announcement that he or she will not be a candidate
28 for reelection to that office or for election to any other
29 statewide or legislative office during that election cycle.

30 (2) The normal privileges for elected officials
31 holding a statewide or legislative office shall remain

1 applicable to mailings not covered under the definition of
2 mass mailing in s. 106.403.

3 106.423 Revenue sources for the Clean Money Trust
4 Fund.--

5 (1) The Legislature may appropriate funds that, when
6 added to the revenue outlined in subsection (2), will be
7 sufficient to fully carry out the provisions of ss.
8 106.401-106.426, and such funds shall be deposited in the
9 Clean Money Trust Fund.

10 (2) Other sources of revenue to be deposited in the
11 Clean Money Trust Fund include:

12 (a) The qualifying contributions required of
13 candidates seeking to become certified as participating
14 candidates and such candidates' qualifying contributions in
15 excess of the minimum number to qualify as a participating
16 candidate.

17 (b) The excess seed-money contributions of candidates
18 seeking to become certified as participating candidates.

19 (c) Unspent funds distributed to any participating
20 candidate who does not remain a candidate until the primary or
21 general election for which they were distributed, or such
22 funds that remain unspent by a participating candidate
23 following the date of the primary or general election for
24 which they were distributed.

25 (d) Fines levied by the commission against candidates
26 for violation of election laws, except for those fines
27 required to be deposited in the Elections Commission Trust
28 Fund.

29 (e) Voluntary donations made directly to the trust
30 fund.

31

1 (f) Funds from the surcharge on civil penalties levied
2 under s. 106.265(3).

3 (g) Any interest generated by the trust fund.

4 (h) Any other sources of revenue authorized by law.

5 106.424 Administration and disbursement of clean money.--

6 (1) Upon determining that a candidate has met all the
7 requirements for becoming a participating candidate as
8 provided in ss. 106.401-106.426, the division shall authorize
9 the issuance to the candidate of a clean-money debit card and
10 a line of debit entitling the candidates and members of the
11 candidate's staff to draw clean-money funds from a state
12 account to pay for all campaign costs and expenses up to the
13 amount of clean-money funding the candidate has been
14 authorized.

15 (2) Neither a participating candidate nor any other
16 person on behalf of a participating candidate shall pay
17 campaign costs by cash, check, money order, loan, or any other
18 financial means besides the clean-money debit card, except as
19 otherwise provided in subsection (3).

20 (3) Cash amounts of \$500 or less per day may be drawn
21 on the clean-money debit card and used to pay expenses of no
22 more than \$100 each. Records of all such expenditures must be
23 maintained and reported to the division.

24 (4) Upon determination by the Voter Information
25 Commission that a candidate's political advertisement
26 qualifies under the "Truth in Campaigning" standards proposed
27 by the Voter Information Commission and adopted by the
28 division, the division shall authorize payment for the
29 broadcast advertisement, which may be made directly to
30 broadcast vendors in the candidate's behalf, except that the

31

1 amount of payments for each candidate in each election may not
2 exceed an aggregate total of \$5,000.

3 106.425 Political party contributions and
4 expenditures.--

5 (1) Participating candidates may accept monetary or
6 in-kind contributions from political parties if the aggregate
7 amount of the contributions from all political party
8 committees combined does not exceed the equivalent of 10
9 percent of the clean-money financing amount for that office
10 and if that aggregate amount does not exceed \$100,000 per
11 candidate per election cycle.

12 (2) Contributions made to, and expenditures made by,
13 political parties during primary and general election campaign
14 periods must be reported to the division on the same basis as
15 contributions and expenditures made to or by candidates.

16 (3) This section does not prevent political party
17 funds from being used for general operating expenses of the
18 party; conventions; nominating and endorsing candidates on a
19 nonrecurring basis within each election period; identifying,
20 researching, and developing the party's positions on issues;
21 party platform activities; noncandidate-specific voter
22 registration; noncandidate-specific, get-out-the-vote drives;
23 travel expenses for noncandidate party leaders and staff; and
24 other noncandidate-specific, party-building activities.

25 Section 2. Subsection (17) of section 106.011, Florida
26 Statutes, is amended to read:

27 106.011 Definitions.--As used in this chapter, the
28 following terms have the following meanings unless the context
29 clearly indicates otherwise:

30 (17)(a) "Political advertisement" means a paid
31 expression in any communications media prescribed in

1 subsection (13), whether radio, television, newspaper,
2 magazine, periodical, campaign literature, direct mail, or
3 display or by means other than the spoken word in direct
4 conversation, which expressly advocates the election or defeat
5 of a candidate or the approval or rejection of an issue. A
6 political advertisement shall be deemed to support or oppose a
7 candidate or elected public official if it mentions or shows a
8 clearly identifiable candidate for election or reelection and
9 is distributed at any point during the period following the
10 last day of qualifying for that candidacy through the
11 immediately ensuing general election, regardless of whether
12 the communication contains the words "vote for," "reelect,"
13 "vote against," or "defeat" or any similar words or
14 statements.

15 (b) ~~However,~~ "Political advertisement" does not
16 include:

17 1. ~~(a)~~ A statement by an organization, in existence
18 prior to the time during which a candidate qualifies or an
19 issue is placed on the ballot for that election, in support of
20 or opposition to a candidate or issue, in that organization's
21 newsletter, which newsletter is distributed only to the
22 members of that organization.

23 2. ~~(b)~~ Editorial endorsements by any newspaper, radio
24 or television station, or other recognized news medium.

25 3. A paid expression in any communications medium
26 which mentions or shows a clearly identifiable candidate for
27 election or reelection and which:

28 a. Advertises a business rather than the candidate, is
29 paid for out of funds of that business, and is similar to
30 other advertisements for that business which have mentioned or
31 shown the candidate and have been distributed on a regular

1 basis over a period of at least 1 year before the qualifying
2 period for that candidacy; or

3 b. Is distributed or broadcast only to areas other
4 than the geographical area of the electorate for that
5 candidacy.

6 Section 3. Subsection (3) of section 106.021, Florida
7 Statutes, is amended to read:

8 106.021 Campaign treasurers; deputies; primary and
9 secondary depositories.--

10 (3) No contribution or expenditure, including
11 contributions or expenditures of a candidate or of the
12 candidate's family, shall be directly or indirectly made or
13 received in furtherance of the candidacy of any person for
14 nomination or election to political office in the state or on
15 behalf of any political committee except through the duly
16 appointed campaign treasurer of the candidate or political
17 committee, subject to the following exceptions:

18 (a) Independent expenditures;

19 (b) Reimbursements to a candidate or any other
20 individual for expenses incurred in connection with the
21 campaign or activities of the political committee by a check
22 drawn upon the campaign account and reported pursuant to s.
23 106.07(4). After July 1, 2004, the full name and address of
24 each person to whom the candidate or other individual made
25 payment for which reimbursement was made by check drawn upon
26 the campaign account shall be reported pursuant to s.
27 106.07(4), together with the purpose of such payment; or

28 (c) Expenditures made indirectly through a treasurer
29 for goods or services, such as communications media placement
30 or procurement services, campaign signs, insurance, or other
31 expenditures that include multiple integral components as part

1 of the expenditure and reported pursuant to s.

2 106.07(4)(a)13. ~~or~~

3 ~~(d) Expenditures made directly by any political~~
4 ~~committee or political party regulated by chapter 103 for~~
5 ~~obtaining time, space, or services in or by any communications~~
6 ~~medium for the purpose of jointly endorsing three or more~~
7 ~~candidates, and any such expenditure shall not be considered a~~
8 ~~contribution or expenditure to or on behalf of any such~~
9 ~~candidates for the purposes of this chapter.~~

10 Section 4. Section 106.08, Florida Statutes, is
11 amended to read:

12 106.08 Contributions; limitations on.--

13 (1)(a) Except for political parties, no person,
14 political committee, or committee of continuous existence may,
15 in any election, make contributions in excess of \$500 to any
16 candidate for election to or retention in office or to any
17 political committee supporting or opposing one or more
18 candidates. Candidates for the offices of Governor and
19 Lieutenant Governor on the same ticket are considered a single
20 candidate for the purpose of this section.

21 (b)1. The contribution limits provided in this
22 subsection do not apply to contributions made by a state or
23 county executive committee of a political party regulated by
24 chapter 103 or to amounts contributed by a candidate to his or
25 her own campaign.

26 2. Notwithstanding the limits provided in this
27 subsection, an unemancipated child under the age of 18 years
28 of age may not make a contribution in excess of \$100 to any
29 candidate or to any political committee supporting one or more
30 candidates.

31

1 (c) The contribution limits of this subsection apply
2 to each election. For purposes of this subsection, the first
3 primary, second primary, and general election are separate
4 elections so long as the candidate is not an unopposed
5 candidate as defined in s. 106.011(15). However, for the
6 purpose of contribution limits with respect to candidates for
7 retention as a justice or judge, there is only one election,
8 which is the general election. With respect to candidates in a
9 circuit holding an election for circuit judge or in a county
10 holding an election for county court judge, there are only two
11 elections, which are the first primary election and general
12 election.

13 (2) A person, political committee, or committee of
14 continuous existence may not make contributions to the state
15 and county executive committees of a political party,
16 including any subordinate committee of a state or county
17 executive committee of a political party, which contributions,
18 including in-kind contributions, in the aggregate in any
19 calendar year exceed \$5,000.

20 ~~(3)(2)(a)~~ Except as otherwise provided in s. 106.425,
21 a candidate for an office other than a statewide office may
22 not accept contributions from national, state, including any
23 subordinate committee of a national, state, or county
24 committee of a political party, and county executive
25 committees of a political party, including any subordinate
26 committee of a national, state, or county executive committee
27 of a political party, which contributions, including in-kind
28 contributions, in the aggregate exceed \$5,000 in any calendar
29 year. A candidate for statewide office may not accept
30 contributions from national, state, or county executive
31 committees of a political party, including any subordinate

1 committee of a national, state, or county executive committee
2 of a political party, which contributions, including in-kind
3 contributions, in the aggregate in any election cycle exceed
4 ~~\$100,000~~\$50,000, no more than \$25,000 of which may be
5 ~~accepted prior to the 28 day period immediately preceding the~~
6 ~~date of the general election.~~

7 (b) Except as otherwise provided in s. 106.425,
8 national, state, and county executive committees of a
9 political party, including any subordinate committee of a
10 national, state, or county executive committee of a political
11 party, may not make contributions to a candidate for other
12 than statewide office which contributions, including in-kind
13 contributions, in the aggregate in any calendar year exceed
14 \$5,000. National, state, and county executive committees of a
15 political party, including any subordinate committee of a
16 national, state, or county executive committee of a political
17 party, may not make contributions to a candidate for statewide
18 office which contributions, including in-kind contributions,
19 in the aggregate in any election cycle exceed \$100,000.
20 ~~Polling services, research services, costs for campaign staff,~~
21 ~~professional consulting services, and telephone calls are not~~
22 ~~contributions to be counted toward the contribution limits of~~
23 ~~paragraph (a). Any item not expressly identified in this~~
24 ~~paragraph as nonallocable is a contribution in an amount equal~~
25 ~~to the fair market value of the item and must be counted as~~
26 ~~allocable toward the \$50,000 contribution limits of paragraph~~
27 ~~(a). Nonallocable, in kind contributions must be reported by~~
28 ~~the candidate under s. 106.07 and by the political party under~~
29 ~~s. 106.29.~~

30 (4)(3)(a) Any contribution received by a candidate
31 with opposition in an election or by the campaign treasurer or

1 a deputy campaign treasurer of such a candidate on the day of
2 that election or less than 5 days prior to the day of that
3 election must be returned by him or her to the person or
4 committee contributing it and may not be used or expended by
5 or on behalf of the candidate.

6 (b) Except as otherwise provided in paragraph (c), any
7 contribution received by a candidate or by the campaign
8 treasurer or a deputy campaign treasurer of a candidate after
9 the date at which the candidate withdraws his or her
10 candidacy, or after the date the candidate is defeated,
11 becomes unopposed, or is elected to office must be returned to
12 the person or committee contributing it and may not be used or
13 expended by or on behalf of the candidate.

14 (c) With respect to any campaign for an office in
15 which an independent or minor party candidate has filed as
16 required in s. 99.0955 or s. 99.096, but whose qualification
17 is pending a determination by the Department of State or
18 supervisor of elections as to whether or not the required
19 number of petition signatures was obtained:

20 1. The department or supervisor shall, no later than 3
21 days after that determination has been made, notify in writing
22 all other candidates for that office of that determination.

23 2. Any contribution received by a candidate or the
24 campaign treasurer or deputy campaign treasurer of a candidate
25 after the candidate has been notified in writing by the
26 department or supervisor that he or she has become unopposed
27 as a result of an independent or minor party candidate failing
28 to obtain the required number of petition signatures shall be
29 returned to the person, political committee, or committee of
30 continuous existence contributing it and shall not be used or
31 expended by or on behalf of the candidate.

1 ~~(5)~~(4) Any contribution received by the chair,
2 campaign treasurer, or deputy campaign treasurer of a
3 political committee supporting or opposing a candidate with
4 opposition in an election or supporting or opposing an issue
5 on the ballot in an election on the day of that election or
6 less than 5 days prior to the day of that election may not be
7 obligated or expended by the committee until after the date of
8 the election.

9 ~~(6)~~(5)(a) A person may not make any contribution
10 through or in the name of another, directly or indirectly, in
11 any election.

12 (b) Candidates, political committees, and political
13 parties may not solicit contributions from any religious,
14 charitable, civic, or other causes or organizations
15 established primarily for the public good.

16 (c) Candidates, political committees, and political
17 parties may not make contributions, in exchange for political
18 support, to any religious, charitable, civic, or other cause
19 or organization established primarily for the public good. It
20 is not a violation of this paragraph for:

21 1. A candidate, political committee, or political
22 party executive committee to make gifts of money in lieu of
23 flowers in memory of a deceased person;

24 2. A candidate to continue membership in, or make
25 regular donations from personal or business funds to,
26 religious, political party, civic, or charitable groups of
27 which the candidate is a member or to which the candidate has
28 been a regular donor for more than 6 months; or

29 3. A candidate to purchase, with campaign funds,
30 tickets, admission to events, or advertisements from
31 religious, civic, political party, or charitable groups.

1 ~~(7)(6)~~ A political party may not accept any
2 contribution which has been specifically designated for the
3 partial or exclusive use of a particular candidate. Any
4 contribution so designated must be returned to the contributor
5 and may not be used or expended by or on behalf of the
6 candidate.

7 ~~(8)(7)(a)~~ Any person who knowingly and willfully makes
8 no more than one contribution in violation of subsection (1),
9 subsection (2), or subsection~~(6)(5)~~, or any person who
10 knowingly and willfully fails or refuses to return any
11 contribution as required in subsection~~(4)(3)~~, commits a
12 misdemeanor of the first degree, punishable as provided in s.
13 775.082 or s. 775.083. If any corporation, partnership, or
14 other business entity or any political party, political
15 committee, or committee of continuous existence is convicted
16 of knowingly and willfully violating any provision punishable
17 under this paragraph, it shall be fined not less than \$1,000
18 and not more than \$10,000. If it is a domestic entity, it may
19 be ordered dissolved by a court of competent jurisdiction; if
20 it is a foreign or nonresident business entity, its right to
21 do business in this state may be forfeited. Any officer,
22 partner, agent, attorney, or other representative of a
23 corporation, partnership, or other business entity or of a
24 political party, political committee, or committee of
25 continuous existence who aids, abets, advises, or participates
26 in a violation of any provision punishable under this
27 paragraph commits a misdemeanor of the first degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 (b) Any person who knowingly and willfully makes two
30 or more contributions in violation of subsection (1),
31 subsection (2), or subsection~~(6)(5)~~ commits a felony of the

1 | third degree, punishable as provided in s. 775.082, s.
2 | 775.083, or s. 775.084. If any corporation, partnership, or
3 | other business entity or any political party, political
4 | committee, or committee of continuous existence is convicted
5 | of knowingly and willfully violating any provision punishable
6 | under this paragraph, it shall be fined not less than \$10,000
7 | and not more than \$50,000. If it is a domestic entity, it may
8 | be ordered dissolved by a court of competent jurisdiction; if
9 | it is a foreign or nonresident business entity, its right to
10 | do business in this state may be forfeited. Any officer,
11 | partner, agent, attorney, or other representative of a
12 | corporation, partnership, or other business entity, or of a
13 | political committee, committee of continuous existence, or
14 | political party who aids, abets, advises, or participates in a
15 | violation of any provision punishable under this paragraph
16 | commits a felony of the third degree, punishable as provided
17 | in s. 775.082, s. 775.083, or s. 775.084.

18 | ~~(9)(8)~~ Except when otherwise provided in subsection
19 | ~~(8)(7)~~, any person who knowingly and willfully violates any
20 | provision of this section shall, in addition to any other
21 | penalty prescribed by this chapter, pay to the state a sum
22 | equal to twice the amount contributed in violation of this
23 | chapter. Each campaign treasurer shall pay all amounts
24 | contributed in violation of this section to the state for
25 | deposit in the General Revenue Fund.

26 | ~~(10)(9)~~ This section does not apply to the transfer of
27 | funds between a primary campaign depository and a savings
28 | account or certificate of deposit or to any interest earned on
29 | such account or certificate.

30 | Section 5. Section 106.087, Florida Statutes, is
31 | amended to read:

1 106.087 Independent expenditures; contribution limits;
2 restrictions on political parties, ~~political committees, and~~
3 ~~committees of continuous existence.~~--

4 (1)~~(a)~~ As a condition of receiving a rebate of filing
5 fees and party assessment funds pursuant to s. 99.061(2), s.
6 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
7 treasurer of a state or county executive committee shall take
8 and subscribe to an oath or affirmation in writing. During the
9 qualifying period for state candidates and prior to
10 distribution of such funds, a printed copy of the oath or
11 affirmation shall be filed with the Secretary of State and
12 shall be substantially in the following form:

13
14 State of Florida

15 County of....

16 Before me, an officer authorized to administer oaths,
17 personally appeared ...(name)..., to me well known, who, being
18 sworn, says that he or she is the ...(title)... of the
19 ...(name of party)... ...(state or specified county)...
20 executive committee; that the executive committee has not
21 made, either directly or indirectly, an independent
22 expenditure in support of or opposition to a candidate or
23 elected public official in the prior 6 months; that the
24 executive committee will not make, either directly or
25 indirectly, an independent expenditure in support of or
26 opposition to a candidate or elected public official, through
27 and including the upcoming general election; and that the
28 executive committee will not violate the contribution limits
29 applicable to candidates under section 106.08(3) ~~106.08(2)~~,
30 Florida Statutes.

31 ...(Signature of committee officer)...

1 Section 6. For the purpose of incorporating the
2 amendments made by this act to sections 106.08 and 106.265,
3 Florida Statutes, in references thereto, subsections (1) and
4 (3) of section 106.19, Florida Statutes, are reenacted to
5 read:

6 106.19 Violations by candidates, persons connected
7 with campaigns, and political committees.--

8 (1) Any candidate; campaign manager, campaign
9 treasurer, or deputy treasurer of any candidate; committee
10 chair, vice chair, campaign treasurer, deputy treasurer, or
11 other officer of any political committee; agent or person
12 acting on behalf of any candidate or political committee; or
13 other person who knowingly and willfully:

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

16 (b) Fails to report any contribution required to be
17 reported by this chapter;

18 (c) Falsely reports or deliberately fails to include
19 any information required by this chapter; or

20 (d) Makes or authorizes any expenditure in violation
21 of s. 106.11(4) or any other expenditure prohibited by this
22 chapter;

23
24 is guilty of a misdemeanor of the first degree, punishable as
25 provided in s. 775.082 or s. 775.083.

26 (3) A political committee sponsoring a constitutional
27 amendment proposed by initiative which submits a petition form
28 gathered by a paid petition circulator which does not provide
29 the name and address of the paid petition circulator on the
30 form is subject to the civil penalties prescribed in s.
31 106.265.

1 Section 7. Subsection (6) of section 106.29, Florida
2 Statutes, is amended to read:

3 106.29 Reports by political parties; restrictions on
4 contributions and expenditures; penalties.--

5 (6)(a) The national, state, and county executive
6 committees of a political party, including any subordinate
7 committee of a national, state, or county executive committee
8 of a political party, may not contribute to any candidate any
9 amount in excess of the limits contained in s. 106.08(3) ~~s.~~
10 ~~106.08(2)~~, and all contributions required to be reported under
11 ~~s. 106.08(2)~~ by the national executive committee of a
12 political party shall be reported by the state executive
13 committee of that political party.

14 (b) A violation of the contribution limits contained
15 in s. 106.08(3) ~~s. 106.08(2)~~ is a misdemeanor of the first
16 degree, punishable as provided in s. 775.082 or s. 775.083. A
17 civil penalty equal to three times the amount in excess of the
18 limits contained in s. 106.08(3) ~~s. 106.08(2)~~ shall be
19 assessed against any executive committee found in violation
20 thereof.

21 Section 8. Sections 106.30, 106.31, 106.32, 106.33,
22 106.34, 106.35, 106.353, 106.355, and 106.36, Florida
23 Statutes, are repealed.

24 Section 9. Paragraph (b) of subsection (1) of section
25 106.07, Florida Statutes, is amended to read:

26 106.07 Reports; certification and filing.--

27 (1) Each campaign treasurer designated by a candidate
28 or political committee pursuant to s. 106.021 shall file
29 regular reports of all contributions received, and all
30 expenditures made, by or on behalf of such candidate or
31 political committee. Reports shall be filed on the 10th day

1 following the end of each calendar quarter from the time the
2 campaign treasurer is appointed, except that, if the 10th day
3 following the end of a calendar quarter occurs on a Saturday,
4 Sunday, or legal holiday, the report shall be filed on the
5 next following day which is not a Saturday, Sunday, or legal
6 holiday. Quarterly reports shall include all contributions
7 received and expenditures made during the calendar quarter
8 which have not otherwise been reported pursuant to this
9 section.

10 (b) Following the last day of qualifying for office,
11 any statewide or legislative candidate who has requested to
12 receive contributions from the Clean Money ~~Election Campaign~~
13 ~~Financing~~ Trust Fund or any statewide or legislative candidate
14 in a race with a candidate who has requested to receive
15 contributions from the trust fund shall file reports on the
16 4th, 11th, 18th, 25th, and 32nd days prior to the first
17 primary and general elections, and on the 4th, 11th, 18th, and
18 25th days prior to the second primary.

19 Section 10. Subsection (4) of section 106.141, Florida
20 Statutes, is amended to read:

21 106.141 Disposition of surplus funds by candidates.--

22 (4)(a) Except as provided in paragraph (b), any
23 candidate required to dispose of funds pursuant to this
24 section shall, at the option of the candidate, dispose of such
25 funds by any of the following means, or any combination
26 thereof:

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

29 2. Donate the funds that have not been spent or
30 obligated to a charitable organization or organizations that
31

1 meet the qualifications of s. 501(c)(3) of the Internal
2 Revenue Code.

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

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

10 a. In the case of a candidate for state office, to the
11 state, to be deposited in either the Clean Money Election
12 ~~Campaign Financing~~ Trust Fund or the General Revenue Fund, as
13 designated by the candidate; or

14 b. In the case of a candidate for an office of a
15 political subdivision, to such political subdivision, to be
16 deposited in the general fund thereof.

17 (b) Any candidate required to dispose of funds
18 pursuant to this section who has received contributions from
19 the Clean Money Election Campaign Financing Trust Fund shall
20 return all surplus campaign funds to the Clean Money Election
21 ~~Campaign Financing~~ Trust Fund.

22 Section 11. Subsection (6) of section 106.22, Florida
23 Statutes, is amended to read:

24 106.22 Duties of the Division of Elections.--It is the
25 duty of the Division of Elections to:

26 (6) Make, from time to time, audits and field
27 investigations with respect to reports and statements filed
28 under the provisions of this chapter and with respect to
29 alleged failures to file any report or statement required
30 under the provisions of this chapter. The division shall
31 conduct a postelection audit of the campaign accounts of all

1 candidates receiving contributions from the Clean Money
2 ~~Election Campaign Financing~~ Trust Fund.

3 Section 12. Subsections (3), (4), and (5) of section
4 106.265, Florida Statutes, are amended to read:

5 106.265 Civil penalties.--

6 (3)(a) Any civil penalty collected pursuant to the
7 provisions of this section shall be deposited into the Clean
8 Money ~~Election Campaign Financing~~ Trust Fund.

9 (b)(4) Notwithstanding any other provisions of this
10 chapter, any fine assessed pursuant to the provisions of this
11 chapter, which fine is designated to be deposited or which
12 would otherwise be deposited into the General Revenue Fund of
13 the state, shall be deposited into the Clean Money ~~Election~~
14 ~~Campaign Financing~~ Trust Fund.

15 (c) A 10-percent surcharge shall be assessed against
16 each civil fine required to be deposited into the Clean Money
17 Trust Fund, and the funds from the surcharge shall also be
18 deposited into the Clean Money Trust Fund.

19 (4)(5) In any case in which the commission determines
20 that a person has filed a complaint against another person
21 with a malicious intent to injure the reputation of the person
22 complained against by filing the complaint with knowledge that
23 the complaint contains one or more false allegations or with
24 reckless disregard for whether the complaint contains false
25 allegations of fact material to a violation of this chapter or
26 chapter 104, the complainant shall be liable for costs and
27 reasonable attorney's fees incurred in the defense of the
28 person complained against, including the costs and reasonable
29 attorney's fees incurred in proving entitlement to and the
30 amount of costs and fees. If the complainant fails to pay such
31 costs and fees voluntarily within 30 days following such

1 finding by the commission, the commission shall forward such
2 information to the Department of Legal Affairs, which shall
3 bring a civil action in a court of competent jurisdiction to
4 recover the amount of such costs and fees awarded by the
5 commission.

6 Section 13. Subsection (13) of section 320.02, Florida
7 Statutes, is amended to read:

8 320.02 Registration required; application for
9 registration; forms.--

10 (13) The application form for motor vehicle
11 registration shall include language permitting a voluntary
12 contribution of \$5 per applicant, which contribution shall be
13 transferred into the Clean Money ~~Election Campaign Financing~~
14 Trust Fund. A statement providing an explanation of the
15 purpose of the trust fund shall also be included.

16 Section 14. Paragraph (a) of subsection (6) of section
17 322.08, Florida Statutes, is amended to read:

18 322.08 Application for license.--

19 (6) The application form for a driver's license or
20 duplicate thereof shall include language permitting the
21 following:

22 (a) A voluntary contribution of \$5 per applicant,
23 which contribution shall be transferred into the Clean Money
24 ~~Election Campaign Financing~~ Trust Fund.

25
26 A statement providing an explanation of the purpose of the
27 trust funds shall also be included. For the purpose of
28 applying the service charge provided in s. 215.20,
29 contributions received under paragraphs (c), (d), and (e) and
30 under s. 322.18(9)(a) are not income of a revenue nature.

31

1 Section 15. Subsection (11) of section 328.72, Florida
2 Statutes, is amended to read:

3 328.72 Classification; registration; fees and charges;
4 surcharge; disposition of fees; fines; marine turtle
5 stickers.--

6 (11) VOLUNTARY CONTRIBUTIONS.--The application form
7 for boat registration shall include a provision to allow each
8 applicant to indicate a desire to pay an additional voluntary
9 contribution to the Save the Manatee Trust Fund to be used for
10 the purposes specified in s. 370.12(4). This contribution
11 shall be in addition to all other fees and charges. The amount
12 of the request for a voluntary contribution solicited shall be
13 \$2 or \$5 per registrant. A registrant who provides a voluntary
14 contribution of \$5 or more shall be given a sticker or emblem
15 by the tax collector to display, which signifies support for
16 the Save the Manatee Trust Fund. All voluntary contributions
17 shall be deposited in the Save the Manatee Trust Fund and
18 shall be used for the purposes specified in s. 370.12(4). The
19 form shall also include language permitting a voluntary
20 contribution of \$5 per applicant, which contribution shall be
21 transferred into the Clean Money ~~Election Campaign Financing~~
22 Trust Fund. A statement providing an explanation of the
23 purpose of the trust fund shall also be included.

24 Section 16. Subsection (1) of section 607.1622,
25 Florida Statutes, is amended to read:

26 607.1622 Annual report for Department of State.--

27 (1) Each domestic corporation and each foreign
28 corporation authorized to transact business in this state
29 shall deliver to the Department of State for filing a sworn
30 annual report on such forms as the Department of State
31 prescribes that sets forth:

1 (a) The name of the corporation and the state or
2 country under the law of which it is incorporated;

3 (b) The date of incorporation or, if a foreign
4 corporation, the date on which it was admitted to do business
5 in this state;

6 (c) The address of its principal office and the
7 mailing address of the corporation;

8 (d) The corporation's federal employer identification
9 number, if any, or, if none, whether one has been applied for;

10 (e) The names and business street addresses of its
11 directors and principal officers;

12 (f) The street address of its registered office and
13 the name of its registered agent at that office in this state;

14 (g) Language permitting a voluntary contribution of \$5
15 per taxpayer, which contribution shall be transferred into the
16 Clean Money ~~Election Campaign Financing~~ Trust Fund. A
17 statement providing an explanation of the purpose of the trust
18 fund shall also be included; and

19 (h) Such additional information as may be necessary or
20 appropriate to enable the Department of State to carry out the
21 provisions of this act.

22 Section 17. For the purpose of incorporating the
23 amendment made by this act to section 106.265, Florida
24 Statutes, in a reference thereto, subsection (8) of section
25 106.143, Florida Statutes, is reenacted to read:

26 106.143 Political advertisements circulated prior to
27 election; requirements.--

28 (8) Any person who willfully violates any provision of
29 this section is subject to the civil penalties prescribed in
30 s. 106.265.

31

1 Section 18. For the purpose of incorporating the
2 amendment made by this act to section 106.265, Florida
3 Statutes, in a reference thereto, subsection (2) of section
4 106.144, Florida Statutes, is reenacted to read:

5 106.144 Endorsements or opposition by certain groups
6 and organizations.--

7 (2) Any officer, director, or other person acting on
8 behalf of an organization who willfully violates the
9 provisions of subsection (1) is subject to the civil penalties
10 prescribed in s. 106.265.

11 Section 19. If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 invalidity shall not affect other provisions or applications
14 of the act which can be given effect without the invalid
15 provision or application, and to this end the provisions of
16 this act are declared severable.

17 Section 20. This act shall take effect July 1, 2005,
18 if Senate Bill ____ or similar legislation creating the Clean
19 Money Trust Fund is adopted in the same legislative session or
20 an extension thereof and becomes law.

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SENATE SUMMARY

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2
3 Creates the "Florida Clean Elections Act" to provide
4 clean-money campaign funding for candidates for statewide
5 or legislative office. Provides eligibility requirements
6 for clean-money campaign funding for candidates for
7 statewide or legislative office. Provides transitional
8 requirements for the current election cycle. Provides a
9 continuing obligation to comply. Provides limitations on
10 contributions and expenditures and on the use of personal
11 funds. Provides for seed-money contributions. Provides
12 for participation in debates. Provides for certification
13 of eligibility. Specifies benefits for participating
14 candidates. Provides for the amounts and payment schedule
15 of clean-money funding. Provides limitations on the
16 expenditure of clean-money funds. Provides for disclosure
17 of excess spending by nonparticipating candidates.
18 Provides for disclosure of and additional clean money to
19 respond to independent expenditures. Provides for
20 disclosure of and additional clean money to respond to
21 issue advertisements. Directs the Secretary of State to
22 create a nonpartisan Voter Information Commission and
23 provides its duties. Requires publicly funded television
24 and radio stations to provide free coverage of debates
25 for specified elections. Provides limitations on mailing
26 privileges of certain public officials. Provides revenue
27 sources for the Clean Money Trust Fund. Provides for the
28 administration and dispersal of clean-money funds.
29 Provides limits on political party contributions and
30 expenditures.

18 Redefines the term "political advertisement." Eliminates
19 authorization for unrestricted expenditures by political
20 committees and political parties to jointly endorse three
21 or more candidates. Provides limits on contributions to
22 political parties and revises limits on contributions to
23 candidates by political parties. Eliminates a restriction
24 on independent expenditures by political committees and
25 committees of continuous existence that use public
26 resources to collect dues. Revises reporting requirements
27 of political parties.

24 Repeals the "Florida Election Campaign Financing Act."
25 Provides for deposit of various fines, surplus funds, and
26 voluntary contributions in the Clean Money Trust Fund.
27 Provides for a surcharge on civil penalties to be
28 deposited into the trust fund and for deposit of the
29 surcharge funds into the trust fund. (See bill for
30 details.)
31