

By Senator Wilson

33-21-06

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

5           findings and declarations; defining terms;

6           providing eligibility requirements for

7           clean-money campaign funding for candidates for

8           statewide or legislative office; providing

9           transitional requirements for the current

10          election cycle; providing a continuing

11          obligation to comply; providing limitations on

12          contributions and expenditures; providing

13          limitations on the use of personal funds;

14          providing for seed-money contributions;

15          providing for participation in debates;

16          providing for certification of eligibility;

17          specifying benefits for participating

18          candidates; providing for the amounts and

19          payment schedule of clean-money funding;

20          providing limitations on the expenditure of

21          clean-money funds; providing for disclosure of

22          excess spending by nonparticipating candidates;

23          providing for disclosure of and additional

24          clean money to respond to independent

25          expenditures; providing for disclosure of and

26          additional clean money to respond to issue

27          advertisements; directing the Secretary of

28          State to create a nonpartisan Voter Information

29          Commission and providing its duties; requiring

30          publicly funded television and radio stations

31          to provide free coverage of debates for

1 specified elections; providing limitations on  
2 mailing privileges of certain public officials;  
3 providing revenue sources for the Clean Money  
4 Trust Fund; providing for the administration  
5 and dispersal of clean-money funds; providing  
6 limits on political party contributions and  
7 expenditures; amending s. 106.011, F.S.;  
8 redefining the term "political advertisement";  
9 amending s. 106.021, F.S.; eliminating  
10 authorization for unrestricted expenditures by  
11 political committees and political parties to  
12 jointly endorse three or more candidates;  
13 amending s. 106.08, F.S.; providing limits on  
14 contributions to political parties; revising  
15 limits on contributions to candidates by  
16 political parties; providing penalties;  
17 amending s. 106.087, F.S.; eliminating a  
18 restriction on independent expenditures by  
19 certain political committees and committees of  
20 continuous existence; conforming a  
21 cross-reference; reenacting s. 106.19(1) and  
22 (3), F.S., relating to penalties, to  
23 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 s. 106.143(8), F.S., relating to the  
8 circulation of political advertisements to  
9 incorporate the amendment to s. 106.265, F.S.,  
10 in a reference thereto; providing severability;  
11 providing a contingent effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Sections 106.401 through 106.425, Florida  
16 Statutes, are created to read:

17 106.401 Short title.--Sections 106.401-106.426 may be  
18 cited as the "Florida Clean Elections Act."

19 106.402 Findings and declarations.--

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

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

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

30 (c) It diminishes the free-speech rights of nonwealthy  
31 voters and candidates whose voices are drowned out by those

1 who can afford to monopolize the arena of paid political  
2 communications.

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

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

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

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

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

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

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

27 (a) It would help eliminate the deleterious influence  
28 of large contributions on the political process, remove access  
29 to wealth as a major determinant of a person's influence  
30 within the political process, and restore meaning to the  
31 principle of "one person, one vote."

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

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

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

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

15       (f) It would halt and reverse the escalating cost of  
16 elections.

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

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

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

27       (3) The Legislature further finds and declares that  
28 the unique factual circumstances in this state require that  
29 ss. 106.401-106.426 be enacted to promote the compelling state  
30 interests listed in subsection (2). The provisions of ss.  
31 106.401-106.426 are designed to create a rough proportionality

1 between the benefits and restrictions that apply to  
2 participating candidates. However, it should be clear that  
3 the provisions of ss. 106.401-106.426 are not entirely  
4 neutral. Participating candidates are deliberately favored to  
5 further the compelling state interest of encouraging  
6 participation in the public financing program.

7 106.403 Definitions.--As used in ss. 106.401-106.426,  
8 the term:

9 (1) "Allowable contribution" means a qualifying  
10 contribution or a seed-money contribution.

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

21 (3) "Commission" means the Florida Elections  
22 Commission.

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

24 (5) "Division" means the Division of Elections of the  
25 Department of State.

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

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1           (7) "General election campaign period" means the  
2 period beginning the day after the primary election and ending  
3 on the day of the general election.

4           (8) "Immediate family" means the candidate's spouse,  
5 parents, and children.

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

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

24           (11) "Nonparticipating candidate" means a candidate  
25 for statewide or legislative office who is on the ballot but  
26 has chosen not to apply for clean-money campaign funding or a  
27 candidate for statewide or legislative office who is on the  
28 ballot and has applied but has not satisfied the requirements  
29 for receiving clean-money funding.

30           (12) "Participating candidate" means a candidate for  
31 statewide or legislative office who qualifies for clean-money

1 campaign funding. Such candidates are eligible to receive  
2 clean-money funding during primary and general election  
3 campaign periods.

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

8 (14) "Primary election campaign period" means the  
9 period beginning on the 60th day before the primary election  
10 and ending on the day of the primary election.

11 (15) "Qualifying contribution" means a contribution of  
12 \$5 that is received during the applicable clean-money  
13 qualifying period by a candidate seeking to become eligible  
14 for clean-money campaign funding and that is acknowledged by a  
15 written receipt identifying the contributor. Contributors  
16 must be registered voters who reside within the territorial  
17 jurisdiction of the office and who are therefore eligible to  
18 vote for that candidate. Qualifying contributions must be made  
19 in cash or by check or money order; must be accompanied by a  
20 receipt fully identifying the contributor, which includes a  
21 signed statement indicating that he or she fully understands  
22 the purpose of the contribution and that the contribution is  
23 made without coercion or reimbursement; and must be turned  
24 over to the division for deposit in the Clean Money Trust  
25 Fund. Qualifying contributions must be gathered by the  
26 candidates themselves or by volunteers who receive no  
27 compensation.

28 (16) "Seed-money contribution" means a contribution of  
29 no more than \$100 in the aggregate from any one source during  
30 the seed-money period. The term does not include payments by  
31 a membership organization for the costs of communications to



1 its members, payments by a membership organization for the  
2 purpose of facilitating the making of qualifying  
3 contributions, and volunteer activity, including the payment  
4 of incidental expenses by volunteers.

5 (17) "Seed-money period" means the period beginning  
6 the day following the previous general election for the office  
7 sought and ending on the last day of the clean-money  
8 qualifying period. This is the exploratory period during  
9 which candidates who wish to become eligible for clean-money  
10 funding for the next elections are permitted to raise and  
11 spend a limited amount of private seed money, in contributions  
12 of up to \$100 per individual, for the purpose of testing the  
13 waters and fulfilling the clean-money eligibility  
14 requirements.

15 (18) "Statewide office" means the office of Governor  
16 or Cabinet member. The office of Governor includes the office  
17 of Lieutenant Governor as a single joint candidacy in  
18 accordance with s. 99.063.

19 106.404 Eligibility for clean-money campaign funding  
20 for party candidates.--

21 (1) A party candidate qualifies as a participating  
22 candidate for the primary election campaign period if the  
23 candidate:

24 (a) Files a declaration with the division that he or  
25 she has complied and will continue to comply with the  
26 requirements of ss. 106.401-106.426, especially the  
27 requirement that during the seed-money period and the  
28 clean-money qualifying period the candidate not accept or  
29 spend private contributions from any source other than  
30 seed-money contributions and qualifying contributions unless  
31 s. 106.406 applies; and

1           (b) Meets the following qualifying contribution  
2 requirements before the close of the clean-money qualifying  
3 period:

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

6           a. For a candidate running for the office of state  
7 representative, 500.

8           b. For a candidate running for the office of state  
9 senator, 1,500.

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

11           d. For a candidate running for the office of Governor,  
12 20,000.

13           2. Each qualifying contribution must be:

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

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

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

3           (a) He or she has met all of the applicable  
4 requirements of ss. 106.401-106.426 and filed a declaration  
5 with the division that he or she has fulfilled and will  
6 continue to fulfill the requirements of a participating  
7 candidate as stated in ss. 106.401-106.426; and

8           (b) As a participating candidate during the primary  
9 election campaign period, he or she received the highest  
10 number of votes of the candidates contesting the primary  
11 election from his or her respective party or, by other means,  
12 won the party's official nomination.

13           106.405 Eligibility for clean-money campaign funding  
14 for independent candidates.--

15           (1) An independent candidate qualifies as a  
16 participating candidate for the primary election campaign  
17 period if the candidate:

18           (a) Files a declaration with the division that he or  
19 she has complied and will continue to comply with the  
20 requirements of ss. 106.401-106.426, especially the  
21 requirement that during the seed-money period and the  
22 clean-money qualifying period the candidate not accept or  
23 spend private contributions from any source other than  
24 seed-money contributions and qualifying contributions unless  
25 s. 106.406 applies; and

26           (b) Meets the following qualifying contribution  
27 requirements before the close of the clean-money qualifying  
28 period:

29           1. An independent candidate must collect the same  
30 number of qualifying contributions as a party candidate must  
31 collect for the same office as provided in s. 106.404.

1           2. Each qualifying contribution must be:  
2           a. Acknowledged by a receipt to the contributor, with  
3 a copy to be kept by the candidate and a copy to be submitted  
4 to the division. The receipt must indicate, by the  
5 contributor's signature, that the contributor understands that  
6 the purpose of the contribution is to help the candidate  
7 qualify for clean-money campaign funding and that he or she is  
8 currently registered to vote in the territorial jurisdiction  
9 of the office sought by the candidate. The receipt must  
10 include the contributor's signature, printed name, home  
11 address, and telephone number and the name of the candidate on  
12 whose behalf the contribution is made.  
13           b. Submitted, with the copy of the signed and  
14 completed receipt, to the division according to the schedule  
15 and procedure determined by the division. A contribution  
16 submitted as a qualifying contribution that does not include  
17 the copy of the signed and completed receipt may not be  
18 counted as a qualifying contribution.  
19           (2) An independent candidate qualifies as a  
20 participating candidate for the general election campaign  
21 period if:  
22           (a) Before the primary election, he or she has met all  
23 of the applicable requirements of ss. 106.401-106.426 and  
24 filed a declaration with the division that he or she has  
25 fulfilled and will continue to fulfill the requirements of a  
26 participating candidate as stated in ss. 106.401-106.426; and  
27           (b) During the primary election campaign period, he or  
28 she has fulfilled all of the requirements of a participating  
29 candidate as stated in ss. 106.401-106.426.  
30           106.406 Transitional requirements for current election  
31 cycle.--During the election cycle in effect on July 1, 2006, a

1 candidate may be certified as a participating candidate,  
2 notwithstanding the acceptance of contributions or the making  
3 of expenditures from private funds before July 1, 2006, which  
4 would otherwise disqualify the candidate as a participating  
5 candidate, if all private funds accepted but not expended  
6 before July 1, 2006, are either returned to the contributors  
7 or submitted to the division for deposit in the Clean Money  
8 Trust Fund.

9 106.407 Continuing obligation to comply.--A  
10 participating candidate who accepts any benefits during the  
11 primary election campaign period must comply with all  
12 requirements of ss. 106.401-106.426 through the general  
13 election campaign period whether or not he or she continues to  
14 accept benefits, unless the candidate either loses in the  
15 primary election or withdraws his or her candidacy and  
16 subsequently is selected as a candidate for Lieutenant  
17 Governor with a nonparticipating candidate for Governor.

18 106.408 Contributions and expenditures; limitations  
19 and reporting.--

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

25 (2) A person may not make a contribution in the name  
26 of another person. A participating candidate who receives a  
27 qualifying contribution or seed-money contribution that is not  
28 from the person listed on the receipt required by s.  
29 106.404(1)(b)2., s. 106.405(1)(b)2., or s. 106.41(3) is liable  
30 to pay the commission the entire amount of the illegal  
31

1 contribution, in addition to any other penalties prescribed by  
2 this chapter.

3 (3) During the primary and general election campaign  
4 periods, a participating candidate must pay for all of his or  
5 her campaign expenditures, except petty cash expenditures, by  
6 means of the clean money debit card, as specified in s.  
7 106.424.

8 (4) Eligible candidates shall furnish complete  
9 campaign records, including all records of seed-money  
10 contributions and qualifying contributions, to the division at  
11 regular filing times or on request by the division.  
12 Candidates must cooperate with any audit or examination by the  
13 division or the commission.

14 106.409 Use of personal funds.--

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

20 (2) Personal funds may not be used to meet the  
21 qualifying contribution requirement except for one qualifying  
22 contribution from the candidate and one qualifying  
23 contribution from the candidate's spouse, provided the  
24 candidate and his or her spouse are registered voters of the  
25 territorial jurisdiction of the office sought by the  
26 candidate.

27 106.41 Seed-money contributions.--

28 (1) The only private contributions a candidate seeking  
29 to become eligible for clean-money funding may accept, other  
30 than qualifying contributions, are seed-money contributions  
31

1 contributed before the end of the clean-money qualifying  
2 period.

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

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

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

12 (c) For a candidate running for Cabinet office,  
13 \$200,000.

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

16 (3) Receipts for seed-money contributions under \$25  
17 must include the contributor's signature, printed name, and  
18 address. Receipts for seed-money contributions of \$25 or more  
19 must include the contributor's signature, printed name, street  
20 address and zip code, telephone number, occupation, and name  
21 of employer. Contributions may not be accepted if the  
22 required disclosure information is not provided.

23 (4) Seed money may be spent only during the  
24 clean-money qualifying period. Seed money may not be spent  
25 during the primary or general election campaign periods.

26 (5) Within 48 hours after the close of the clean-money  
27 qualifying period, each candidate seeking to become eligible  
28 for clean-money funding must fully disclose all seed-money  
29 contributions and expenditures to the division and turn over  
30 to the division for deposit in the Clean Money Trust Fund any  
31

1 seed money raised during the applicable seed-money period that  
2 exceeds the aggregate seed-money limit.

3 106.411 Participation in debates.--

4 (1) Participating candidates must participate in one  
5 1-hour debate during a contested primary election and two  
6 1-hour debates during a contested general election when public  
7 debate opportunities are available.

8 (2) Licensed broadcasters receiving state funding or  
9 providing publicly authorized cable services are required to  
10 publicly broadcast one such debate, when practicable, for  
11 gubernatorial and other statewide races.

12 (3) Nonparticipating candidates for the same offices  
13 whose names will appear on the ballot must be invited to join  
14 the debates.

15 106.412 Certification of eligibility.--

16 (1) No more than 5 days after a candidate applies for  
17 clean-money benefits, the division shall certify or fail to  
18 certify the candidate as eligible. Eligibility may be revoked  
19 if the candidate violates any of the requirements of ss.  
20 106.401-106.426, in which case all clean-money funds received  
21 by the candidate must be repaid.

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

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

28 106.413 Benefits provided to candidates eligible to  
29 receive clean money.--

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



1       (a) Receive clean-money funding from the division for  
2 each election in the amounts specified in s. 106.415. This  
3 funding may be used to finance any and all campaign expenses  
4 during the particular campaign period for which it was  
5 allocated.

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

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

15       (d) Receive additional clean-money funding to match  
16 any independent expenditure made in opposition to their  
17 candidacies or on behalf of their opponents' candidacies, as  
18 specified in s. 106.418.

19       (e) Receive additional clean-money funding to match  
20 any issue advertisement made in opposition to their  
21 candidacies or on behalf of their opponents' candidacies, as  
22 specified in s. 106.419.

23       (2) The maximum aggregate amount of additional funding  
24 a participating candidate may receive to match independent  
25 expenditures, issue advertisements, and the excess  
26 expenditures of nonparticipating candidates is 300 percent of  
27 the full amount of clean-money funding allocated to the  
28 candidate for a particular primary or general election  
29 campaign period.

30       106.414 Schedule of clean-money payments.--  
31

1           (1)(a) An eligible party candidate shall receive his  
2 or her clean-money funding for the primary election campaign  
3 period on the date on which the division certifies the  
4 candidate as a participating candidate. This certification  
5 shall take place no later than 5 days after the candidate has  
6 submitted the required number of qualifying contributions and  
7 a declaration stating that he or she has complied with all  
8 other requirements for eligibility as a participating  
9 candidate, but no earlier than the beginning of the primary  
10 election campaign period.

11           (b) An eligible party candidate shall receive his or  
12 her clean-money funding for the general election campaign  
13 period within 48 hours after certification of the primary  
14 election results.

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

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

29           106.415 Determination of clean-money amounts.--

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

- 1           1. For a candidate running for the office of state  
2 representative, \$45,000.
- 3           2. For a candidate running for the office of state  
4 senator, \$135,000.
- 5           3. For a candidate running for Cabinet office,  
6 \$700,000.
- 7           4. For a candidate running for the office of Governor,  
8 \$2 million.
- 9           (b) The clean-money amount for an eligible party  
10 candidate in an uncontested primary election is 10 percent of  
11 the amount provided in a contested primary election.
- 12           (c) The amount of clean-money funding for an eligible  
13 party candidate in a contested general election is:
- 14           1. For a candidate running for the office of state  
15 representative, \$60,000.
- 16           2. For a candidate running for the office of state  
17 senator, \$180,000.
- 18           3. For a candidate running for Cabinet office, \$1  
19 million.
- 20           4. For a candidate running for the office of Governor,  
21 \$5 million.
- 22           (2)(a) The clean-money amount for an eligible  
23 independent candidate in a primary election is 10 percent of  
24 the amount received by a party candidate in a contested  
25 primary election.
- 26           (b) The clean-money amount for an eligible independent  
27 candidate in the general election is the same as the full  
28 amount received by a party candidate in the general election.
- 29           (3) After the first cycle of elections subject to ss.  
30 106.401-106.426, the division shall adjust the clean-money  
31

1 amounts authorized under this section based on the rate of  
2 inflation or the cost-of-living index.

3 106.416 Expenditures made with clean-money funds.--

4 (1) The clean-money funding received by a  
5 participating candidate may be used only for the purpose of  
6 defraying that candidate's campaign-related expenses during a  
7 particular election campaign period for which the clean-money  
8 funding was allocated.

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

12 106.417 Disclosure of excess spending by  
13 nonparticipating candidates.--

14 (1) If a nonparticipating candidate's total  
15 expenditures for a primary or general election campaign period  
16 exceed the amount of clean-money funding allocated to his or  
17 her clean-money opponent for that period, he or she shall  
18 disclose to the division within 48 hours each excess  
19 expenditure amount that, in the aggregate, is more than  
20 \$1,000.

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

26 (3) The division may make its own determination as to  
27 whether excess expenditures have been made by nonparticipating  
28 candidates.

29 (4) Upon receiving an excess expenditure disclosure  
30 under this section, the division shall immediately release  
31 additional clean-money funding to the opposing participating

1 candidate equal to the excess expenditure amount the  
2 nonparticipating candidate has spent or intends to spend,  
3 subject to the limit set forth in s. 106.413(2).

4 106.418 Disclosure of and additional clean money to  
5 respond to independent expenditures.--

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

7 (a) "Coordination" means a payment made for a  
8 communication or anything of value that is for the purpose of  
9 influencing the outcome of an election for statewide or  
10 legislative office and that is made:

11 1. By a person in cooperation, consultation, or  
12 concert with, at the request or suggestion of, or pursuant to  
13 a particular understanding with a candidate, a candidate's  
14 campaign committee, or an agent acting on behalf of a  
15 candidate or a candidate's campaign committee;

16 2. By a person for the dissemination, distribution, or  
17 republication, in whole or in part, of any broadcast or any  
18 written, graphic, or other form of campaign material prepared  
19 by a candidate, a candidate's campaign committee, or an agent  
20 of a candidate or a candidate's campaign committee;

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

25 4. By a person if, in the same election cycle in which  
26 the payment is made, the person making the payment is serving  
27 or has served as a member, employee, fund raiser, or agent of  
28 the candidate's campaign committee in an executive or  
29 policymaking position;

30 5. By a person if the person making the payment has  
31 served in any formal policymaking or advisory position with

1 the candidate's campaign or has participated in strategic or  
2 policymaking discussions with the candidate's campaign  
3 relating to the candidate's pursuit of nomination for election  
4 or election to a statewide or legislative office in the same  
5 election cycle as the election cycle in which the payment is  
6 made; or

7 6. By a person if the person making the payment  
8 retains the professional services of an individual or person  
9 who, in a nonministerial capacity, has provided or is  
10 providing campaign-related services in the same election cycle  
11 to a candidate who is pursuing the same nomination or election  
12 as any of the candidates to whom the communication refers.

13 (b) "Express advocacy" means a communication that is  
14 made through a broadcast medium, newspaper, magazine,  
15 billboard, direct mail, or similar type of general public  
16 communication or political advertising that advocates the  
17 election or defeat of a clearly identifiable candidate,  
18 including any communication that contains a phrase such as  
19 "vote for," "re-elect," "support," "cast your ballot for,"  
20 "(name of candidate) for (name of office)," "(name of  
21 candidate) in (year)," "vote against," "defeat," or "reject"  
22 or contains campaign slogans or individual words that in  
23 context can have no reasonable meaning other than to recommend  
24 the election or defeat of one or more clearly identifiable  
25 candidates. The term does not include any news story,  
26 commentary, or editorial by a broadcasting station, newspaper,  
27 magazine, or other publication, if the entity is not owned by  
28 or affiliated with any candidate or candidate committee or a  
29 regularly published newsletter or other communication whose  
30 circulation is limited to an organization's members,

31

1 employees, shareholders, other affiliated individuals, and  
2 those who request or purchase the internal publication.

3 (c) "Independent expenditure" means an expenditure  
4 made by a person or group other than a candidate or a  
5 candidate's campaign committee which is made for a  
6 communication that contains express advocacy and is made  
7 without the participation or cooperation of and without  
8 coordination with a candidate or a candidate's campaign  
9 committee.

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

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

19 (b) The report to the division shall include a  
20 statement, under penalty of perjury, by the person making the  
21 independent expenditure identifying the candidate whom the  
22 independent expenditure is intended to help elect or defeat  
23 and affirming that the expenditure is totally independent and  
24 involves no cooperation or coordination with a candidate or  
25 political party.

26 (c) An individual or organization may file a complaint  
27 with the commission if the individual or organization believes  
28 that such a statement is false. The commission shall make a  
29 prompt determination about such a complaint.

30 (3) Upon receiving a report under this section that an  
31 independent expenditure has been made or is obligated to be

1 made, the division shall immediately release additional  
2 clean-money funding, equal in amount to the cost of the  
3 independent expenditure, to all participating candidates whom  
4 the independent expenditure is intended to oppose or defeat,  
5 if the maximum aggregate amount of additional funding a  
6 participating candidate receives to match independent  
7 expenditures, issue advertisements, and the excess  
8 expenditures of nonparticipating candidates is no more than  
9 300 percent of the full amount of clean-money funding  
10 allocated to a participating candidate in that election and  
11 the aggregate amount of the campaign expenditures combined  
12 with the amount of the independent expenditures of the  
13 nonparticipating candidate benefiting from the independent  
14 expenditure exceeds the amount of clean-money funding received  
15 by the participating candidate.

16 (4) Funding in the same amounts must also be granted  
17 to any participating candidate when another participating  
18 candidate benefits, however unintentionally, from independent  
19 expenditures that, in the aggregate with other expenditures,  
20 exceed the clean-money amount received by the participating  
21 candidates.

22 106.419 Disclosure of, and additional clean money to  
23 respond to, issue advertisements.--

24 (1) As used in this section, the term "issue  
25 advertisement" means a communication through a broadcasting  
26 station, newspaper, magazine, outdoor advertising facility,  
27 mailing, or any other type of general public political  
28 advertising the purchase of which is not an independent  
29 expenditure or a contribution and which costs, in the  
30 aggregate, \$1,000 or more, contains the name or likeness of  
31 one or more candidates, is communicated during a primary or



1 general election period, and recommends a position on a  
2 political issue.

3 (2) A person who makes a disbursement to purchase an  
4 issue advertisement shall file a report with the division not  
5 later than 48 hours after making the disbursement which  
6 specifies the amount of the disbursement, the name and address  
7 of the person making the disbursement, the purpose of the  
8 issue advertisement, and the script or a printed or duplicated  
9 audio copy of the advertisement.

10 (3) Upon receiving a report under this section that an  
11 issue advertisement has been made or is obligated to be made,  
12 and upon determination that the advertisement can reasonably  
13 be interpreted as having the effect of promoting the defeat of  
14 a participating candidate or the election of that candidate's  
15 opponent, the division shall immediately authorize the release  
16 to that candidate of additional clean-money funding, equal in  
17 amount to the cost of the issue advertisement, subject to the  
18 limit set forth in s. 106.413(2).

19 106.42 Voter Information Commission.--

20 (1) The Secretary of State shall establish and  
21 administer a nonpartisan Voter Information Commission  
22 consisting of representatives of nonprofit organizations,  
23 political parties, the media, and interested citizens.

24 (2) The Voter Information Commission may establish a  
25 voter information program for the purpose of providing voters  
26 with election-related information and fostering political  
27 dialogue and debate.

28 (3) The Voter Information Commission shall organize  
29 the publication and distribution of a voter information guide  
30 that includes important information about candidates appearing  
31 on the ballot, including biographical material submitted by

1 the candidates; information on whether candidates are funding  
2 their campaigns with public money or private money; policy  
3 statements by the candidates or their political parties on  
4 issues designated by the Voter Information Commission and  
5 other issues; and, when pertinent, candidates' voting records.

6 (4) The Voter Information Commission shall evaluate,  
7 or delegate the evaluation of, the veracity of a candidate's  
8 own political advertisements submitted by participating  
9 candidates to determine whether each advertisement meets the  
10 standards of "Truth in Campaigning" as established by the  
11 Voter Information Commission and the division and reviewed  
12 biennially before the filing date for candidates in each  
13 general election year. Upon determination of qualification  
14 for an advertisement, the Voter Information Commission shall  
15 immediately notify the candidate and the division that the  
16 advertisement meets the established standards of "Truth in  
17 Campaigning."

18 106.421 Broadcast debates.--

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

24 (2) At a minimum, broadcasters shall broadcast, when  
25 practicable, and participating candidates in gubernatorial and  
26 other statewide races shall participate in, one 1-hour debate  
27 during a contested primary election and two 1-hour debates  
28 during a contested general election.

29 (3) All participating candidates shall participate in  
30 public debates when practicable, and all nonparticipating  
31

1 candidates for the same offices whose names will appear on the  
2 ballot must be invited to join the debates.

3 106.422 Limit on use of public official mailing  
4 privileges.--

5 (1) Except as provided in subsection (2), an elected  
6 official holding a statewide or legislative office shall not  
7 mail any mass mailing as government mail during the period  
8 between July 1 of the election year and the date of the  
9 general election for that office, unless the official has made  
10 a public announcement that he or she will not be a candidate  
11 for reelection to that office or for election to any other  
12 statewide or legislative office during that election cycle.

13 (2) The normal privileges for elected officials  
14 holding a statewide or legislative office shall remain  
15 applicable to mailings not covered under the definition of  
16 mass mailing in s. 106.403.

17 106.423 Revenue sources for the Clean Money Trust  
18 Fund.--

19 (1) The Legislature may appropriate funds that, when  
20 added to the revenue outlined in subsection (2), will be  
21 sufficient to fully carry out the provisions of ss.  
22 106.401-106.426, and such funds shall be deposited in the  
23 Clean Money Trust Fund.

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

26 (a) The qualifying contributions required of  
27 candidates seeking to become certified as participating  
28 candidates and such candidates' qualifying contributions in  
29 excess of the minimum number to qualify as a participating  
30 candidate.

31

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

3           (c) Unspent funds distributed to any participating  
4 candidate who does not remain a candidate until the primary or  
5 general election for which they were distributed, or such  
6 funds that remain unspent by a participating candidate  
7 following the date of the primary or general election for  
8 which they were distributed.

9           (d) Fines levied by the commission against candidates  
10 for violation of election laws, except for those fines  
11 required to be deposited in the Elections Commission Trust  
12 Fund.

13           (e) Voluntary donations made directly to the trust  
14 fund.

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

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

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

19           106.424 Administration and disbursement of clean money.--

20           (1) Upon determining that a candidate has met all the  
21 requirements for becoming a participating candidate as  
22 provided in ss. 106.401-106.426, the division shall authorize  
23 the issuance to the candidate of a clean-money debit card and  
24 a line of debit entitling the candidates and members of the  
25 candidate's staff to draw clean-money funds from a state  
26 account to pay for all campaign costs and expenses up to the  
27 amount of clean-money funding the candidate has been  
28 authorized.

29           (2) Neither a participating candidate nor any other  
30 person on behalf of a participating candidate shall pay  
31 campaign costs by cash, check, money order, loan, or any other

1 financial means besides the clean-money debit card, except as  
2 otherwise provided in subsection (3).

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

7 (4) Upon determination by the Voter Information  
8 Commission that a candidate's political advertisement  
9 qualifies under the "Truth in Campaigning" standards proposed  
10 by the Voter Information Commission and adopted by the  
11 division, the division shall authorize payment for the  
12 broadcast advertisement, which may be made directly to  
13 broadcast vendors in the candidate's behalf, except that the  
14 amount of payments for each candidate in each election may not  
15 exceed an aggregate total of \$5,000.

16 106.425 Political party contributions and  
17 expenditures.--

18 (1) Participating candidates may accept monetary or  
19 in-kind contributions from political parties if the aggregate  
20 amount of the contributions from all political party  
21 committees combined does not exceed the equivalent of 10  
22 percent of the clean-money financing amount for that office  
23 and if that aggregate amount does not exceed \$100,000 per  
24 candidate per election cycle.

25 (2) Contributions made to, and expenditures made by,  
26 political parties during primary and general election campaign  
27 periods must be reported to the division on the same basis as  
28 contributions and expenditures made to or by candidates.

29 (3) This section does not prevent political party  
30 funds from being used for general operating expenses of the  
31 party; conventions; nominating and endorsing candidates on a

1 nonrecurring basis within each election period; identifying,  
2 researching, and developing the party's positions on issues;  
3 party platform activities; noncandidate-specific voter  
4 registration; noncandidate-specific, get-out-the-vote drives;  
5 travel expenses for noncandidate party leaders and staff; and  
6 other noncandidate-specific, party-building activities.

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

9 106.011 Definitions.--As used in this chapter, the  
10 following terms have the following meanings unless the context  
11 clearly indicates otherwise:

12 (17)(a) "Political advertisement" means a paid  
13 expression in any communications media prescribed in  
14 subsection (13), whether radio, television, newspaper,  
15 magazine, periodical, campaign literature, direct mail, or  
16 display or by means other than the spoken word in direct  
17 conversation, which expressly advocates the election or defeat  
18 of a candidate or the approval or rejection of an issue. A  
19 political advertisement shall be deemed to support or oppose a  
20 candidate or elected public official if it mentions or shows a  
21 clearly identifiable candidate for election or reelection and  
22 is distributed at any point during the period following the  
23 last day of qualifying for that candidacy through the  
24 immediately ensuing general election, regardless of whether  
25 the communication contains the words "vote for," "reelect,"  
26 "vote against," or "defeat" or any similar words or  
27 statements.

28 (b) ~~However,~~ "Political advertisement" does not  
29 include:

30 1.(a) A statement by an organization, in existence  
31 prior to the time during which a candidate qualifies or an

1 | issue is placed on the ballot for that election, in support of  
2 | or opposition to a candidate or issue, in that organization's  
3 | newsletter, which newsletter is distributed only to the  
4 | members of that organization.

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

7 |         3. A paid expression in any communications medium  
8 | which mentions or shows a clearly identifiable candidate for  
9 | election or reelection and which:

10 |         a. Advertises a business rather than the candidate, is  
11 | paid for out of funds of that business, and is similar to  
12 | other advertisements for that business which have mentioned or  
13 | shown the candidate and have been distributed on a regular  
14 | basis over a period of at least 1 year before the qualifying  
15 | period for that candidacy; or

16 |         b. Is distributed or broadcast only to areas other  
17 | than the geographical area of the electorate for that  
18 | candidacy.

19 |         Section 3. Subsection (3) of section 106.021, Florida  
20 | Statutes, is amended to read:

21 |         106.021 Campaign treasurers; deputies; primary and  
22 | secondary depositories.--

23 |         (3) No contribution or expenditure, including  
24 | contributions or expenditures of a candidate or of the  
25 | candidate's family, shall be directly or indirectly made or  
26 | received in furtherance of the candidacy of any person for  
27 | nomination or election to political office in the state or on  
28 | behalf of any political committee except through the duly  
29 | appointed campaign treasurer of the candidate or political  
30 | committee, subject to the following exceptions:

31 |         (a) Independent expenditures;

1 (b) Reimbursements to a candidate or any other  
2 individual for expenses incurred in connection with the  
3 campaign or activities of the political committee by a check  
4 drawn upon the campaign account and reported pursuant to s.  
5 106.07(4). After July 1, 2004, the full name and address of  
6 each person to whom the candidate or other individual made  
7 payment for which reimbursement was made by check drawn upon  
8 the campaign account shall be reported pursuant to s.  
9 106.07(4), together with the purpose of such payment; or

10 (c) Expenditures made indirectly through a treasurer  
11 for goods or services, such as communications media placement  
12 or procurement services, campaign signs, insurance, or other  
13 expenditures that include multiple integral components as part  
14 of the expenditure and reported pursuant to s.  
15 106.07(4)(a)13. ~~or~~

16 ~~(d) Expenditures made directly by any political~~  
17 ~~committee or political party regulated by chapter 103 for~~  
18 ~~obtaining time, space, or services in or by any communications~~  
19 ~~medium for the purpose of jointly endorsing three or more~~  
20 ~~candidates, and any such expenditure shall not be considered a~~  
21 ~~contribution or expenditure to or on behalf of any such~~  
22 ~~candidates for the purposes of this chapter.~~

23 Section 4. Section 106.08, Florida Statutes, is  
24 amended to read:

25 106.08 Contributions; limitations on.--

26 (1)(a) Except for political parties, no person,  
27 political committee, or committee of continuous existence may,  
28 in any election, make contributions in excess of \$500 to any  
29 candidate for election to or retention in office or to any  
30 political committee supporting or opposing one or more  
31 candidates. Candidates for the offices of Governor and



1 Lieutenant Governor on the same ticket are considered a single  
2 candidate for the purpose of this section.

3 (b)1. The contribution limits provided in this  
4 subsection do not apply to contributions made by a state or  
5 county executive committee of a political party regulated by  
6 chapter 103 or to amounts contributed by a candidate to his or  
7 her own campaign.

8 2. Notwithstanding the limits provided in this  
9 subsection, an unemancipated child under the age of 18 years  
10 of age may not make a contribution in excess of \$100 to any  
11 candidate or to any political committee supporting one or more  
12 candidates.

13 (c) The contribution limits of this subsection apply  
14 to each election. For purposes of this subsection, the primary  
15 election and general election are separate elections so long  
16 as the candidate is not an unopposed candidate as defined in  
17 s. 106.011(15). However, for the purpose of contribution  
18 limits with respect to candidates for retention as a justice  
19 or judge, there is only one election, which is the general  
20 election.

21 (2) A person, political committee, or committee of  
22 continuous existence may not make contributions to the state  
23 and county executive committees of a political party,  
24 including any subordinate committee of a state or county  
25 executive committee of a political party, which contributions,  
26 including in-kind contributions, in the aggregate in any  
27 calendar year exceed \$5,000.

28 (3)(2)(a) Except as otherwise provided in s. 106.425,  
29 a candidate for an office other than a statewide office may  
30 not accept contributions from national, state, including any  
31 subordinate committee of a national, state, or county

1 ~~committee of a political party,~~ and county executive  
2 committees of a political party, including any subordinate  
3 committee of a national, state, or county executive committee  
4 of a political party, which contributions, including in-kind  
5 contributions, in the aggregate exceed \$5,000 in any calendar  
6 year. A candidate for statewide office may not accept  
7 contributions from national, state, or county executive  
8 committees of a political party, including any subordinate  
9 committee of a national, state, or county executive committee  
10 of a political party, which contributions, including in-kind  
11 contributions, in the aggregate in any election cycle exceed  
12 ~~\$100,000~~ \$50,000, no more than \$25,000 of which may be  
13 accepted prior to the 28 day period immediately preceding the  
14 date of the general election.

15 (b) Except as otherwise provided in s. 106.425,  
16 national, state, and county executive committees of a  
17 political party, including any subordinate committee of a  
18 national, state, or county executive committee of a political  
19 party, may not make contributions to a candidate for other  
20 than statewide office which contributions, including in-kind  
21 contributions, in the aggregate in any calendar year exceed  
22 \$5,000. National, state, and county executive committees of a  
23 political party, including any subordinate committee of a  
24 national, state, or county executive committee of a political  
25 party, may not make contributions to a candidate for statewide  
26 office which contributions, including in-kind contributions,  
27 in the aggregate in any election cycle exceed \$100,000. A  
28 ~~candidate for statewide office may not accept contributions~~  
29 ~~from national, state, or county executive committees of a~~  
30 ~~political party, including any subordinate committee of a~~  
31 ~~national, state, or county committee of a political party,~~

1 ~~which contributions in the aggregate exceed \$250,000, no more~~  
2 ~~than \$125,000 of which may be accepted prior to the 28 day~~  
3 ~~period immediately preceding the date of the general election.~~  
4 ~~Polling services, research services, costs for campaign staff,~~  
5 ~~professional consulting services, and telephone calls are not~~  
6 ~~contributions to be counted toward the contribution limits of~~  
7 ~~paragraph (a) or this paragraph. Any item not expressly~~  
8 ~~identified in this paragraph as nonallocable is a contribution~~  
9 ~~in an amount equal to the fair market value of the item and~~  
10 ~~must be counted as allocable toward the contribution limits of~~  
11 ~~paragraph (a) or this paragraph. Nonallocable, in kind~~  
12 ~~contributions must be reported by the candidate under s.~~  
13 ~~106.07 and by the political party under s. 106.29.~~

14 (4)~~(3)~~(a) Any contribution received by a candidate  
15 with opposition in an election or by the campaign treasurer or  
16 a deputy campaign treasurer of such a candidate on the day of  
17 that election or less than 5 days prior to the day of that  
18 election must be returned by him or her to the person or  
19 committee contributing it and may not be used or expended by  
20 or on behalf of the candidate.

21 (b) Except as otherwise provided in paragraph (c), any  
22 contribution received by a candidate or by the campaign  
23 treasurer or a deputy campaign treasurer of a candidate after  
24 the date at which the candidate withdraws his or her  
25 candidacy, or after the date the candidate is defeated,  
26 becomes unopposed, or is elected to office must be returned to  
27 the person or committee contributing it and may not be used or  
28 expended by or on behalf of the candidate.

29 (c) With respect to any campaign for an office in  
30 which an independent or minor party candidate has filed as  
31 required in s. 99.0955 or s. 99.096, but whose qualification

1 is pending a determination by the Department of State or  
2 supervisor of elections as to whether or not the required  
3 number of petition signatures was obtained:

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

7 2. Any contribution received by a candidate or the  
8 campaign treasurer or deputy campaign treasurer of a candidate  
9 after the candidate has been notified in writing by the  
10 department or supervisor that he or she has become unopposed  
11 as a result of an independent or minor party candidate failing  
12 to obtain the required number of petition signatures shall be  
13 returned to the person, political committee, or committee of  
14 continuous existence contributing it and shall not be used or  
15 expended by or on behalf of the candidate.

16 ~~(5)(4)~~ Any contribution received by the chair,  
17 campaign treasurer, or deputy campaign treasurer of a  
18 political committee supporting or opposing a candidate with  
19 opposition in an election or supporting or opposing an issue  
20 on the ballot in an election on the day of that election or  
21 less than 5 days prior to the day of that election may not be  
22 obligated or expended by the committee until after the date of  
23 the election.

24 ~~(6)(5)~~(a) A person may not make any contribution  
25 through or in the name of another, directly or indirectly, in  
26 any election.

27 (b) Candidates, political committees, and political  
28 parties may not solicit contributions from any religious,  
29 charitable, civic, or other causes or organizations  
30 established primarily for the public good.

31

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

6 1. A candidate, political committee, or political  
7 party executive committee to make gifts of money in lieu of  
8 flowers in memory of a deceased person;

9 2. A candidate to continue membership in, or make  
10 regular donations from personal or business funds to,  
11 religious, political party, civic, or charitable groups of  
12 which the candidate is a member or to which the candidate has  
13 been a regular donor for more than 6 months; or

14 3. A candidate to purchase, with campaign funds,  
15 tickets, admission to events, or advertisements from  
16 religious, civic, political party, or charitable groups.

17 ~~(7)(6)~~ A political party may not accept any  
18 contribution which has been specifically designated for the  
19 partial or exclusive use of a particular candidate. Any  
20 contribution so designated must be returned to the contributor  
21 and may not be used or expended by or on behalf of the  
22 candidate. Also, a political party may not accept any in-kind  
23 contribution that fails to provide a direct benefit to the  
24 political party. A "direct benefit" includes, but is not  
25 limited to, fundraising or furthering the objectives of the  
26 political party.

27 ~~(8)(7)(a)~~ Any person who knowingly and willfully makes  
28 no more than one contribution in violation of subsection (1),  
29 subsection (2), or subsection ~~(6)(5)~~, or any person who  
30 knowingly and willfully fails or refuses to return any  
31 contribution as required in subsection ~~(4)(3)~~, commits a

1 | misdemeanor of the first degree, punishable as provided in s.  
2 | 775.082 or s. 775.083. 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 \$1,000  
7 | and not more than \$10,000. 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 party, political committee, or committee of  
14 | continuous existence who aids, abets, advises, or participates  
15 | in a violation of any provision punishable under this  
16 | paragraph commits a misdemeanor of the first degree,  
17 | punishable as provided in s. 775.082 or s. 775.083.

18 |         (b) Any person who knowingly and willfully makes two  
19 | or more contributions in violation of subsection (1),  
20 | subsection (2), or subsection ~~(6)(5)~~ commits a felony of the  
21 | third degree, punishable as provided in s. 775.082, s.  
22 | 775.083, or s. 775.084. If any corporation, partnership, or  
23 | other business entity or any political party, political  
24 | committee, or committee of continuous existence is convicted  
25 | of knowingly and willfully violating any provision punishable  
26 | under this paragraph, it shall be fined not less than \$10,000  
27 | and not more than \$50,000. If it is a domestic entity, it may  
28 | be ordered dissolved by a court of competent jurisdiction; if  
29 | it is a foreign or nonresident business entity, its right to  
30 | do business in this state may be forfeited. Any officer,  
31 | partner, agent, attorney, or other representative of a

1 corporation, partnership, or other business entity, or of a  
2 political committee, committee of continuous existence, or  
3 political party who aids, abets, advises, or participates in a  
4 violation of any provision punishable under this paragraph  
5 commits a felony of the third degree, punishable as provided  
6 in s. 775.082, s. 775.083, or s. 775.084.

7 (9)~~(8)~~ Except when otherwise provided in subsection  
8 (8)~~(7)~~, any person who knowingly and willfully violates any  
9 provision of this section shall, in addition to any other  
10 penalty prescribed by this chapter, pay to the state a sum  
11 equal to twice the amount contributed in violation of this  
12 chapter. Each campaign treasurer shall pay all amounts  
13 contributed in violation of this section to the state for  
14 deposit in the General Revenue Fund.

15 (10)~~(9)~~ This section does not apply to the transfer of  
16 funds between a primary campaign depository and a savings  
17 account or certificate of deposit or to any interest earned on  
18 such account or certificate.

19 Section 5. Section 106.087, Florida Statutes, is  
20 amended to read:

21 106.087 Independent expenditures; contribution limits;  
22 restrictions on political parties, ~~political committees, and~~  
23 ~~committees of continuous existence.--~~

24 (1)~~(a)~~ As a condition of receiving a rebate of filing  
25 fees and party assessment funds pursuant to s. 99.061(2), s.  
26 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or  
27 treasurer of a state or county executive committee shall take  
28 and subscribe to an oath or affirmation in writing. During the  
29 qualifying period for state candidates and prior to  
30 distribution of such funds, a printed copy of the oath or  
31

1 affirmation shall be filed with the Secretary of State and  
2 shall be substantially in the following form:

3  
4 State of Florida  
5 County of....

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

21   ...(Signature of committee officer)...

22   ...(Address)...

23  
24 Sworn to and subscribed before me this .... day of .....,  
25 ...(year)..., at .... County, Florida.

26           ...(Signature and title of officer administering oath)...

27  
28           ~~(2)(b)~~ Any executive committee found to have violated  
29 the provisions of the oath or affirmation in this section  
30 prior to receiving funds shall be ineligible to receive the  
31 rebate for that general election year.



1           (3)(c) Any executive committee found to have violated  
2 the provisions of the oath or affirmation in this section  
3 after receiving funds shall be ineligible to receive the  
4 rebate from candidates qualifying for the following general  
5 election cycle.

6           (4)(d) Any funds not distributed to the state or  
7 county executive committee pursuant to this section shall be  
8 deposited into the General Revenue Fund of the state.

9           ~~(2)(a) Any political committee or committee of~~  
10 ~~continuous existence that accepts the use of public funds,~~  
11 ~~equipment, personnel, or other resources to collect dues from~~  
12 ~~its members agrees not to make independent expenditures in~~  
13 ~~support of or opposition to a candidate or elected public~~  
14 ~~official. However, expenditures may be made for the sole~~  
15 ~~purpose of jointly endorsing three or more candidates.~~

16           ~~(b) Any political committee or committee of continuous~~  
17 ~~existence that violates this subsection is liable for a civil~~  
18 ~~fine of up to \$5,000 to be determined by the Florida Elections~~  
19 ~~Commission or the entire amount of the expenditures, whichever~~  
20 ~~is greater.~~

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

26           106.19 Violations by candidates, persons connected  
27 with campaigns, and political committees.--

28           (1) Any candidate; campaign manager, campaign  
29 treasurer, or deputy treasurer of any candidate; committee  
30 chair, vice chair, campaign treasurer, deputy treasurer, or  
31 other officer of any political committee; agent or person

1 acting on behalf of any candidate or political committee; or  
2 other person who knowingly and willfully:

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

5 (b) Fails to report any contribution required to be  
6 reported by this chapter;

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

9 (d) Makes or authorizes any expenditure in violation  
10 of s. 106.11(4) or any other expenditure prohibited by this  
11 chapter;

12  
13 is guilty of a misdemeanor of the first degree, punishable as  
14 provided in s. 775.082 or s. 775.083.

15 (3) A political committee sponsoring a constitutional  
16 amendment proposed by initiative which submits a petition form  
17 gathered by a paid petition circulator which does not provide  
18 the name and address of the paid petition circulator on the  
19 form is subject to the civil penalties prescribed in s.  
20 106.265.

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

23 106.29 Reports by political parties; restrictions on  
24 contributions and expenditures; penalties.--

25 (6)(a) The national, state, and county executive  
26 committees of a political party, including any subordinate  
27 committee of a national, state, or county executive committee  
28 of a political party, may not contribute to any candidate any  
29 amount in excess of the limits contained in s. 106.08(3) ~~s.~~  
30 ~~106.08(2), and all contributions required to be reported under~~  
31 ~~s. 106.08(2) by the national executive committee of a~~

1 ~~political party shall be reported by the state executive~~  
2 ~~committee of that political party.~~

3 (b) A violation of the contribution limits contained  
4 in s. 106.08(3) ~~s. 106.08(2)~~ is a misdemeanor of the first  
5 degree, punishable as provided in s. 775.082 or s. 775.083. A  
6 civil penalty equal to three times the amount in excess of the  
7 limits contained in s. 106.08(3) ~~s. 106.08(2)~~ shall be  
8 assessed against any executive committee found in violation  
9 thereof.

10 Section 8. Sections 106.30, 106.31, 106.32, 106.33,  
11 106.34, 106.35, 106.353, 106.355, and 106.36, Florida  
12 Statutes, are repealed.

13 Section 9. Paragraph (b) of subsection (1) of section  
14 106.07, Florida Statutes, is amended to read:

15 106.07 Reports; certification and filing.--

16 (1) Each campaign treasurer designated by a candidate  
17 or political committee pursuant to s. 106.021 shall file  
18 regular reports of all contributions received, and all  
19 expenditures made, by or on behalf of such candidate or  
20 political committee. Reports shall be filed on the 10th day  
21 following the end of each calendar quarter from the time the  
22 campaign treasurer is appointed, except that, if the 10th day  
23 following the end of a calendar quarter occurs on a Saturday,  
24 Sunday, or legal holiday, the report shall be filed on the  
25 next following day which is not a Saturday, Sunday, or legal  
26 holiday. Quarterly reports shall include all contributions  
27 received and expenditures made during the calendar quarter  
28 which have not otherwise been reported pursuant to this  
29 section.

30 (b) Following the last day of qualifying for office,  
31 any statewide or legislative candidate who has requested to

1 receive contributions from the Clean Money Election Campaign  
2 ~~Financing~~ Trust Fund or any statewide or legislative candidate  
3 in a race with a candidate who has requested to receive  
4 contributions from the trust fund shall file reports on the  
5 4th, 11th, 18th, 25th, and 32nd days prior to the primary  
6 election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th,  
7 and 53rd days prior to the general election.

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

10 106.141 Disposition of surplus funds by candidates.--

11 (4)(a) Except as provided in paragraph (b), any  
12 candidate required to dispose of funds pursuant to this  
13 section shall, at the option of the candidate, dispose of such  
14 funds by any of the following means, or any combination  
15 thereof:

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

18 2. Donate the funds that have not been spent or  
19 obligated to a charitable organization or organizations that  
20 meet the qualifications of s. 501(c)(3) of the Internal  
21 Revenue Code.

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

27 4. Give the funds that have not been spent or  
28 obligated:

29 a. In the case of a candidate for state office, to the  
30 state, to be deposited in either the Clean Money Election  
31

1 ~~Campaign Financing~~ Trust Fund or the General Revenue Fund, as  
2 designated by the candidate; or

3       b. In the case of a candidate for an office of a  
4 political subdivision, to such political subdivision, to be  
5 deposited in the general fund thereof.

6       (b) Any candidate required to dispose of funds  
7 pursuant to this section who has received contributions from  
8 the Clean Money ~~Election Campaign Financing~~ Trust Fund shall  
9 return all surplus campaign funds to the Clean Money ~~Election~~  
10 ~~Campaign Financing~~ Trust Fund.

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

13       106.22 Duties of the Division of Elections.--It is the  
14 duty of the Division of Elections to:

15       (6) Make, from time to time, audits and field  
16 investigations with respect to reports and statements filed  
17 under the provisions of this chapter and with respect to  
18 alleged failures to file any report or statement required  
19 under the provisions of this chapter. The division shall  
20 conduct a postelection audit of the campaign accounts of all  
21 candidates receiving contributions from the Clean Money  
22 ~~Election Campaign Financing~~ Trust Fund.

23       Section 12. Subsections (3), (4), and (5) of section  
24 106.265, Florida Statutes, are amended to read:

25       106.265 Civil penalties.--

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

29       ~~(b)(4)~~ Notwithstanding any other provisions of this  
30 chapter, any fine assessed pursuant to the provisions of this  
31 chapter, which fine is designated to be deposited or which

1 would otherwise be deposited into the General Revenue Fund of  
2 the state, shall be deposited into the Clean Money Election  
3 ~~Campaign Financing~~ Trust Fund.

4 (c) A 10-percent surcharge shall be assessed against  
5 each civil fine required to be deposited into the Clean Money  
6 Trust Fund, and the funds from the surcharge shall also be  
7 deposited into the Clean Money Trust Fund.

8 ~~(4)(5)~~ In any case in which the commission determines  
9 that a person has filed a complaint against another person  
10 with a malicious intent to injure the reputation of the person  
11 complained against by filing the complaint with knowledge that  
12 the complaint contains one or more false allegations or with  
13 reckless disregard for whether the complaint contains false  
14 allegations of fact material to a violation of this chapter or  
15 chapter 104, the complainant shall be liable for costs and  
16 reasonable attorney's fees incurred in the defense of the  
17 person complained against, including the costs and reasonable  
18 attorney's fees incurred in proving entitlement to and the  
19 amount of costs and fees. If the complainant fails to pay such  
20 costs and fees voluntarily within 30 days following such  
21 finding by the commission, the commission shall forward such  
22 information to the Department of Legal Affairs, which shall  
23 bring a civil action in a court of competent jurisdiction to  
24 recover the amount of such costs and fees awarded by the  
25 commission.

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

28 320.02 Registration required; application for  
29 registration; forms.--

30 (13) The application form for motor vehicle  
31 registration shall include language permitting a voluntary

1 contribution of \$5 per applicant, which contribution shall be  
2 transferred into the Clean Money ~~Election Campaign Financing~~  
3 Trust Fund. A statement providing an explanation of the  
4 purpose of the trust fund shall also be included.

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

7 322.08 Application for license.--

8 (6) The application form for a driver's license or  
9 duplicate thereof shall include language permitting the  
10 following:

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

14  
15 A statement providing an explanation of the purpose of the  
16 trust funds shall also be included. For the purpose of  
17 applying the service charge provided in s. 215.20,  
18 contributions received under paragraphs (c), (d), (e), and (f)  
19 and under s. 322.18(9)(a) are not income of a revenue nature.

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

22 328.72 Classification; registration; fees and charges;  
23 surcharge; disposition of fees; fines; marine turtle  
24 stickers.--

25 (11) VOLUNTARY CONTRIBUTIONS.--The application form  
26 for boat registration shall include a provision to allow each  
27 applicant to indicate a desire to pay an additional voluntary  
28 contribution to the Save the Manatee Trust Fund to be used for  
29 the purposes specified in s. 370.12(4). This contribution  
30 shall be in addition to all other fees and charges. The amount  
31 of the request for a voluntary contribution solicited shall be

1 | \$2 or \$5 per registrant. A registrant who provides a  
2 | voluntary contribution of \$5 or more shall be given a sticker  
3 | or emblem by the tax collector to display, which signifies  
4 | support for the Save the Manatee Trust Fund. All voluntary  
5 | contributions shall be deposited in the Save the Manatee Trust  
6 | Fund and shall be used for the purposes specified in s.  
7 | 370.12(4). The form shall also include language permitting a  
8 | voluntary contribution of \$5 per applicant, which contribution  
9 | shall be transferred into the Clean Money ~~Election Campaign~~  
10 | ~~Financing~~ Trust Fund. A statement providing an explanation of  
11 | the purpose of the trust fund shall also be included.

12 |         Section 16. Subsection (1) of section 607.1622,  
13 | Florida Statutes, is amended to read:

14 |             607.1622 Annual report for Department of State.--

15 |             (1) Each domestic corporation and each foreign  
16 | corporation authorized to transact business in this state  
17 | shall deliver to the Department of State for filing a sworn  
18 | annual report on such forms as the Department of State  
19 | prescribes that sets forth:

20 |             (a) The name of the corporation and the state or  
21 | country under the law of which it is incorporated;

22 |             (b) The date of incorporation or, if a foreign  
23 | corporation, the date on which it was admitted to do business  
24 | in this state;

25 |             (c) The address of its principal office and the  
26 | mailing address of the corporation;

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

29 |             (e) The names and business street addresses of its  
30 | directors and principal officers;

31 |



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

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

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

11 Section 17. For the purpose of incorporating the  
12 amendment made by this act to section 106.265, Florida  
13 Statutes, in a reference thereto, subsection (8) of section  
14 106.143, Florida Statutes, is reenacted to read:

15 106.143 Political advertisements circulated prior to  
16 election; requirements.--

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

20 Section 18. If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 invalidity shall not affect other provisions or applications  
23 of the act which can be given effect without the invalid  
24 provision or application, and to this end the provisions of  
25 this act are declared severable.

26 Section 19. This act shall take effect July 1, 2006,  
27 if Senate Bill \_\_\_\_ or similar legislation creating the Clean  
28 Money Trust Fund is adopted in the same legislative session or  
29 an extension thereof and becomes law.

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SENATE SUMMARY

Creates the Florida Clean Elections Act. Provides funding sources for, and restrictions on campaigning by, candidates for statewide office and legislative office.