

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Reagan offered the following:

2
3 **Amendment (with title amendment)**

4 On page 13, line(s) 5, to page 26, line 31,
5 remove: all of said lines

6
7 and insert:

8 Section 4. Paragraph (c) of subsection (4) of section
9 106.04, Florida Statutes, is amended to read:

10 106.04 Committees of continuous existence.--

11 (4)

12 (c) All committees of continuous existence shall file ~~the~~
13 ~~original and one copy of~~ their reports with the Division of
14 Elections. ~~In addition, a duplicate copy of each report shall be~~
15 ~~filed with the supervisor of elections in the county in which~~
16 ~~the committee maintains its books and records, except that if~~
17 ~~the filing officer to whom the committee is required to report~~

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18 ~~is located in the same county as the supervisor no such~~
19 ~~duplicate report is required to be filed with the supervisor.~~
20 Reports shall be filed in accordance with s. 106.0705 ~~on forms~~
21 ~~provided by the division~~ and shall contain the following
22 information:

23 1. The full name, address, and occupation of each person
24 who has made one or more contributions, including contributions
25 that represent the payment of membership dues, to the committee
26 during the reporting period, together with the amounts and dates
27 of such contributions. For corporations, the report must provide
28 as clear a description as practicable of the principal type of
29 business conducted by the corporation. However, if the
30 contribution is \$100 or less, the occupation of the contributor
31 or principal type of business need not be listed. However, for
32 any contributions that represent the payment of dues by members
33 in a fixed amount aggregating no more than \$250 per calendar
34 year, pursuant to the schedule on file with the Division of
35 Elections, only the aggregate amount of such contributions need
36 be listed, together with the number of members paying such dues
37 and the amount of the membership dues.

38 2. The name and address of each political committee or
39 committee of continuous existence from which the reporting
40 committee received, or the name and address of each political
41 committee, committee of continuous existence, or political party
42 to which it made, any transfer of funds, together with the
43 amounts and dates of all transfers.

44 3. Any other receipt of funds not listed pursuant to
45 subparagraph 1. or subparagraph 2., including the sources and
46 amounts of all such funds.

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47 4. The name and address of, and office sought by, each
48 candidate to whom the committee has made a contribution during
49 the reporting period, together with the amount and date of each
50 contribution.

51 5. The full name and address of each person to whom
52 expenditures have been made by or on behalf of the committee
53 within the reporting period; the amount, date, and purpose of
54 each such expenditure; and the name and address, and office
55 sought by, each candidate on whose behalf such expenditure was
56 made.

57 6. The full name and address of each person to whom an
58 expenditure for personal services, salary, or reimbursement for
59 authorized expenses has been made, including the full name and
60 address of each entity to whom the person made payment for which
61 reimbursement was made by check drawn upon the committee
62 account, together with the amount and purpose of such payment.

63 7. Transaction information from each credit card statement
64 that will be included in the next report following receipt
65 thereof by the committee. Receipts for each credit card purchase
66 shall be retained by the treasurer with the records for the
67 committee account.

68 ~~8.6-~~ The total sum of expenditures made by the committee
69 during the reporting period.

70 Section 5. Paragraph (a) of subsection (2) of section
71 106.07, Florida Statutes, is amended to read:

72 106.07 Reports; certification and filing.--

73 (2)(a) All reports required of a candidate by this section
74 shall be filed with the officer before whom the candidate is
75 required by law to qualify. All candidates who file with the
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76 Department of State shall file their reports pursuant to s.
77 106.0705. ~~In addition, a copy of each report for candidates for~~
78 ~~other than statewide office who qualify with the Department of~~
79 ~~State shall be filed with the supervisor of elections in the~~
80 ~~county where the candidate resides.~~ Except as provided in s.
81 106.0705, reports shall be filed not later than 5 p.m. of the
82 day designated; however, any report postmarked by the United
83 States Postal Service no later than midnight of the day
84 designated shall be deemed to have been filed in a timely
85 manner. Any report received by the filing officer within 5 days
86 after the designated due date that was delivered by the United
87 States Postal Service shall be deemed timely filed unless it has
88 a postmark that indicates that the report was mailed after the
89 designated due date. A certificate of mailing obtained from and
90 dated by the United States Postal Service at the time of
91 mailing, or a receipt from an established courier company, which
92 bears a date on or before the date on which the report is due,
93 shall be proof of mailing in a timely manner. Reports shall
94 contain information of all previously unreported contributions
95 received and expenditures made as of the preceding Friday,
96 except that the report filed on the Friday immediately preceding
97 the election shall contain information of all previously
98 unreported contributions received and expenditures made as of
99 the day preceding that designated due date. All such reports
100 shall be open to public inspection.

101 Section 6. Section 106.0701, Florida Statutes, is created
102 to read:

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103 106.0701 Solicitation of contributions on behalf of s. 527
104 or s. 501(c)(4) organizations; reporting requirements; civil
105 penalty; exemption.--

106 (1) The Governor, Lieutenant Governor, members of the
107 Cabinet, state legislators, or candidates for such offices who
108 directly or indirectly solicit, cause to be solicited, or accept
109 any contribution on behalf of an organization that is exempt
110 from taxation under s. 527 or s. 501(c)(4) of the Internal
111 Revenue Code, which such individuals, in whole or in part,
112 establish, maintain, or control, shall file a statement with the
113 division within 5 days after commencing such activity on behalf
114 of the organization. The statement shall contain the following
115 information:

116 (a) The name of the person acting on behalf of the
117 organization.

118 (b) The name and type of the organization.

119 (c) A description of the relationship between the person
120 and the organization.

121 (2) Failure to timely file the statement shall subject the
122 person to a civil penalty of \$50 per day for each late day,
123 payable from the personal funds of the violator.

124 (3) Upon filing a statement with the division, an
125 individual subject to the requirements of subsection (1) shall
126 promptly create a public website that contains a mission
127 statement and the names of persons associated with the
128 organization. The address of the website shall be reported to
129 the division within 5 business days after the website is
130 created.

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131 (4) All contributions received shall be disclosed on the
132 website within 5 business days after deposit, together with the
133 name, address, and occupation of the donor. All expenditures by
134 the organization shall be individually disclosed on the website
135 within 5 business days after being made.

136 (5) The filing requirements of subsection (1) do not apply
137 to an individual acting on behalf of his or her own campaign or
138 a political party of which the individual is a member.

139 Section 7. Section 106.0703, Florida Statutes, is created
140 to read:

141 106.0703 Electioneering communications organizations;
142 additional reporting requirements.--In addition to the reporting
143 requirements in s. 106.07, an electioneering communications
144 organization shall, within 2 days after receiving its initial
145 password or secure sign-on from the Department of State allowing
146 confidential access to the department's electronic campaign
147 finance filing system, electronically file the periodic campaign
148 finance reports that would have been required pursuant to s.
149 106.07 for reportable activities that occurred since the date of
150 the last general election.

151 Section 8. Paragraph (b) of subsection (2) of section
152 106.0705, Florida Statutes, is amended to read:

153 106.0705 Electronic filing of campaign treasurer's
154 reports.--

155 (2)

156 (b) Each political committee, committee of continuous
157 existence, electioneering communications organization, or state
158 executive committee that is required to file reports with the
159 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,
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160 as applicable, must file such reports with the division by means
161 of the division's electronic filing system.

162 Section 9. Subsections (4) and (7) of section 106.08,
163 Florida Statutes, are amended, paragraph (d) is added to
164 subsection (5) of that section, and subsection (8) of that
165 section is reenacted, to read:

166 106.08 Contributions; limitations on.--

167 (4) (a) Any contribution received by the chair, campaign
168 treasurer, or deputy campaign treasurer of a political committee
169 supporting or opposing a candidate with opposition in an
170 election or supporting or opposing an issue on the ballot in an
171 election on the day of that election or less than 5 days prior
172 to the day of that election may not be obligated or expended by
173 the committee until after the date of the election.

174 (b) Any contribution received by an electioneering
175 communications organization on the day of an election or less
176 than 5 days prior to the day of that election may not be
177 obligated or expended by the organization until after the date
178 of the election and may not be expended to pay for any
179 obligation arising prior to the election.

180 (5)

181 (d) An electioneering communications organization may not
182 accept a contribution from an organization exempt from taxation
183 under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other
184 than a political committee, committee of continuous existence,
185 or political party, unless the contributing organization has
186 registered as if the organization were an electioneering
187 communications organization pursuant to s. 106.03 and has filed
188 all campaign finance reports required of electioneering

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189 communications organizations pursuant to ss. 106.07 and
190 106.0703.

191 (7) (a) Any person who knowingly and willfully makes or
192 accepts no more than one contribution in violation of subsection
193 (1) or subsection (5), or any person who knowingly and willfully
194 fails or refuses to return any contribution as required in
195 subsection (3), commits a misdemeanor of the first degree,
196 punishable as provided in s. 775.082 or s. 775.083. If any
197 corporation, partnership, or other business entity or any
198 political party, political committee, ~~or~~ committee of continuous
199 existence, or electioneering communications organization is
200 convicted of knowingly and willfully violating any provision
201 punishable under this paragraph, it shall be fined not less than
202 \$1,000 and not more than \$10,000. If it is a domestic entity, it
203 may be ordered dissolved by a court of competent jurisdiction;
204 if it is a foreign or nonresident business entity, its right to
205 do business in this state may be forfeited. Any officer,
206 partner, agent, attorney, or other representative of a
207 corporation, partnership, or other business entity, or of a
208 political party, political committee, ~~or~~ committee of continuous
209 existence, electioneering communications organization, or
210 organization exempt from taxation under s. 527 or s. 501(c)(4)
211 of the Internal Revenue Code, who aids, abets, advises, or
212 participates in a violation of any provision punishable under
213 this paragraph commits a misdemeanor of the first degree,
214 punishable as provided in s. 775.082 or s. 775.083.

215 (b) Any person who knowingly and willfully makes or
216 accepts two or more contributions in violation of subsection (1)
217 or subsection (5) commits a felony of the third degree,

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218 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 219 If any corporation, partnership, or other business entity or any
 220 political party, political committee, ~~or~~ committee of continuous
 221 existence, or electioneering communications organization is
 222 convicted of knowingly and willfully violating any provision
 223 punishable under this paragraph, it shall be fined not less than
 224 \$10,000 and not more than \$50,000. If it is a domestic entity,
 225 it may be ordered dissolved by a court of competent
 226 jurisdiction; if it is a foreign or nonresident business entity,
 227 its right to do business in this state may be forfeited. Any
 228 officer, partner, agent, attorney, or other representative of a
 229 corporation, partnership, or other business entity, or of a
 230 political committee, committee of continuous existence, ~~or~~
 231 political party, or electioneering communications organization,
 232 or organization exempt from taxation under s. 527 or s.
 233 501(c)(4) of the Internal Revenue Code, who aids, abets,
 234 advises, or participates in a violation of any provision
 235 punishable under this paragraph commits a felony of the third
 236 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 237 775.084.

238 (8) Except when otherwise provided in subsection (7), any
 239 person who knowingly and willfully violates any provision of
 240 this section shall, in addition to any other penalty prescribed
 241 by this chapter, pay to the state a sum equal to twice the
 242 amount contributed in violation of this chapter. Each campaign
 243 treasurer shall pay all amounts contributed in violation of this
 244 section to the state for deposit in the General Revenue Fund.

245
 246 ===== T I T L E A M E N D M E N T =====

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247 On page 1, line(s) 14, to page 2, line 4,
248 remove: all of said lines
249
250 and insert:
251 amending s. 106.04, F.S.; revising certain filing
252 requirements and reporting requirements for committees of
253 continuous existence; amending s. 106.07, F.S.; deleting a
254 report filing requirement for certain candidates for other
255 than statewide office; creating s. 106.0701, F.S.;
256 establishing campaign finance reporting requirements for
257 certain officers and candidates soliciting contributions
258 on behalf of s. 527 or s. 501(c)(4) organizations;
259 providing a civil penalty; providing for nonapplication to
260 certain persons; creating s. 106.0703, F.S.; establishing
261 campaign finance reporting requirements for electioneering
262 communications organizations; amending s. 106.0705, F.S.;
263 incorporating the new campaign finance reporting
264 requirements for electioneering communications
265 organizations into the Department of State's electronic
266 campaign finance reporting system; amending s. 106.08,
267 F.S.; prohibiting the use of certain contributions
268 received by an electioneering communications organization
269 proximate to an election; limiting certain contributions
270 to electioneering communications organizations from
271 certain tax-exempt organizations; providing criminal
272 penalties; reenacting ss.

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