

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Reagan offered the following:

2  
3 **Substitute Amendment for Amendment (374401) (with title**  
4 **amendment)**

5 On page 13, line 5, to page 26, line 31,  
6 remove: all of said lines,

7  
8 and insert:

9 Section 4. Paragraph (c) of subsection (4) of section  
10 106.04, Florida Statutes, is amended to read:

11 106.04 Committees of continuous existence.--

12 (4)

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

614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

18 ~~the filing officer to whom the committee is required to report~~  
19 ~~is located in the same county as the supervisor no such~~  
20 ~~duplicate report is required to be filed with the supervisor.~~

21 Reports shall be filed in accordance with s. 106.0705 ~~on forms~~  
22 ~~provided by the division~~ and shall contain the following  
23 information:

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

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

614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

71 Section 5. Paragraph (a) of subsection (2) of section  
72 106.07, Florida Statutes, is amended to read:

73 106.07 Reports; certification and filing.--

614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

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

614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

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

104 106.0701 Solicitation of contributions and disclosure;  
105 registration; accepting contributions or making expenditures  
106 prohibited; penalty.--

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

117 1. The name of the person acting on behalf of the  
118 organization.

119 2. The name and type of the organization.

120 3. A description of the relationship between the person  
121 and the organization.

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

125 (c) Upon filing a statement with the division, an  
126 individual subject to the requirements of paragraph (a) shall  
127 promptly create a public website that contains a mission  
128 statement and the names of persons associated with the  
129 organization. The address of the website shall be reported to

614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

130 the division within 5 business days after the website is  
131 created.

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

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

140 (2)(a) Any individual described in paragraph (1)(a) may  
141 not accept contributions from any political committee or  
142 committee of continuous existence which such individual, in  
143 whole or in part, establishes, maintains, or controls.

144 (b) An electioneering communications organization may not  
145 make expenditures which refer to or depict any such individual  
146 who, in whole or in part, establishes, maintains, or controls  
147 such organization or is an opponent of such individual in any  
148 election. Any electioneering communications organization that  
149 makes any such expenditure is subject to a civil penalty in an  
150 amount equal to twice the amount of the expenditure and payable  
151 from the funds of the organization.

152 Section 7. Section 106.0703, Florida Statutes, is created  
153 to read:

154 106.0703 Electioneering communications organizations;  
155 additional reporting requirements.--In addition to the reporting  
156 requirements in s. 106.07, an electioneering communications  
157 organization shall, within 2 days after receiving its initial  
158 password or secure sign-on from the Department of State allowing  
614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

159 confidential access to the department's electronic campaign  
160 finance filing system, electronically file the periodic campaign  
161 finance reports that would have been required pursuant to s.  
162 106.07 for reportable activities that occurred since the date of  
163 the last general election.

164 Section 8. Paragraph (b) of subsection (2) of section  
165 106.0705, Florida Statutes, is amended to read:

166 106.0705 Electronic filing of campaign treasurer's  
167 reports.--

168 (2)

169 (b) Each political committee, committee of continuous  
170 existence, electioneering communications organization, or state  
171 executive committee that is required to file reports with the  
172 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,  
173 as applicable, must file such reports with the division by means  
174 of the division's electronic filing system.

175 Section 9. Subsections (4) and (7) of section 106.08,  
176 Florida Statutes, are amended, paragraph (d) is added to  
177 subsection (5) of that section, and subsection (8) of that  
178 section is reenacted, to read:

179 106.08 Contributions; limitations on.--

180 (4) (a) Any contribution received by the chair, campaign  
181 treasurer, or deputy campaign treasurer of a political committee  
182 supporting or opposing a candidate with opposition in an  
183 election or supporting or opposing an issue on the ballot in an  
184 election on the day of that election or less than 5 days prior  
185 to the day of that election may not be obligated or expended by  
186 the committee until after the date of the election.

614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

187        (b) Any contribution received by an electioneering  
188        communications organization on the day of an election or less  
189        than 5 days prior to the day of that election may not be  
190        obligated or expended by the organization until after the date  
191        of the election and may not be expended to pay for any  
192        obligation arising prior to the election.

193        (5)

194        (d) An electioneering communications organization may not  
195        accept a contribution from an organization exempt from taxation  
196        under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other  
197        than a political committee, committee of continuous existence,  
198        or political party, unless the contributing organization has  
199        registered as if the organization were an electioneering  
200        communications organization pursuant to s. 106.03 and has filed  
201        all campaign finance reports required of electioneering  
202        communications organizations pursuant to ss. 106.07 and  
203        106.0703.

204        (7) (a) Any person who knowingly and willfully makes or  
205        accepts no more than one contribution in violation of subsection  
206        (1) or subsection (5), or any person who knowingly and willfully  
207        fails or refuses to return any contribution as required in  
208        subsection (3), commits a misdemeanor of the first degree,  
209        punishable as provided in s. 775.082 or s. 775.083. If any  
210        corporation, partnership, or other business entity or any  
211        political party, political committee, ~~or~~ committee of continuous  
212        existence, or electioneering communications organization is  
213        convicted of knowingly and willfully violating any provision  
214        punishable under this paragraph, it shall be fined not less than  
215        \$1,000 and not more than \$10,000. If it is a domestic entity, it

614257  
5/2/2006 6:45:03 PM



Amendment No. (for drafter's use only)

216 may be ordered dissolved by a court of competent jurisdiction;  
217 if it is a foreign or nonresident business entity, its right to  
218 do business in this state may be forfeited. Any officer,  
219 partner, agent, attorney, or other representative of a  
220 corporation, partnership, or other business entity, or of a  
221 political party, political committee, ~~or~~ committee of continuous  
222 existence, electioneering communications organization, or  
223 organization exempt from taxation under s. 527 or s. 501(c)(4)  
224 of the Internal Revenue Code, who aids, abets, advises, or  
225 participates in a violation of any provision punishable under  
226 this paragraph commits a misdemeanor of the first degree,  
227 punishable as provided in s. 775.082 or s. 775.083.

228 (b) Any person who knowingly and willfully makes or  
229 accepts two or more contributions in violation of subsection (1)  
230 or subsection (5) commits a felony of the third degree,  
231 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
232 If any corporation, partnership, or other business entity or any  
233 political party, political committee, ~~or~~ committee of continuous  
234 existence, or electioneering communications organization is  
235 convicted of knowingly and willfully violating any provision  
236 punishable under this paragraph, it shall be fined not less than  
237 \$10,000 and not more than \$50,000. If it is a domestic entity,  
238 it may be ordered dissolved by a court of competent  
239 jurisdiction; if it is a foreign or nonresident business entity,  
240 its right to do business in this state may be forfeited. Any  
241 officer, partner, agent, attorney, or other representative of a  
242 corporation, partnership, or other business entity, or of a  
243 political committee, committee of continuous existence, ~~or~~  
244 political party, or electioneering communications organization,  
614257

5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

245 | or organization exempt from taxation under s. 527 or s.  
 246 | 501(c)(4) of the Internal Revenue Code, who aids, abets,  
 247 | advises, or participates in a violation of any provision  
 248 | punishable under this paragraph commits a felony of the third  
 249 | degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 250 | 775.084.

251 |       (8) Except when otherwise provided in subsection (7), any  
 252 | person who knowingly and willfully violates any provision of  
 253 | this section shall, in addition to any other penalty prescribed  
 254 | by this chapter, pay to the state a sum equal to twice the  
 255 | amount contributed in violation of this chapter. Each campaign  
 256 | treasurer shall pay all amounts contributed in violation of this  
 257 | section to the state for deposit in the General Revenue Fund.

258 |  
 259 |

260 | ===== T I T L E   A M E N D M E N T =====

261 |       On page 1, line 14, to page 2, line 4  
 262 | remove: all of said lines

263 |

264 | and insert:  
 265 | amending s. 106.04, F.S.; revising certain filing requirements  
 266 | and reporting requirements for committees of continuous  
 267 | existence; amending s. 106.07, F.S.; deleting a report filing  
 268 | requirement for certain candidates for other than statewide  
 269 | office; creating s. 106.0701; establishing campaign finance  
 270 | reporting requirements for certain officers and candidates  
 271 | soliciting contributions for certain committees and  
 272 | organizations; providing a civil penalty; providing for  
 273 | nonapplication to certain persons; prohibiting certain

614257  
 5/2/2006 6:45:03 PM

Amendment No. (for drafter's use only)

274 individuals from accepting contributions from certain entities;  
275 prohibiting electioneering communications organizations from  
276 making certain expenditures relating to such individuals or  
277 election opponents of such individuals; providing a civil  
278 penalty; creating s. 106.0703, F.S.; establishing campaign  
279 finance reporting requirements for electioneering communications  
280 organizations; amending s. 106.0705, F.S.; incorporating the new  
281 campaign finance reporting requirements for electioneering  
282 communications organizations into the Department of State's  
283 electronic campaign finance reporting system; amending s.  
284 106.08, F.S.; prohibiting the use of certain contributions  
285 received by an electioneering communications organization  
286 proximate to an election; limiting certain contributions to  
287 electioneering communications organizations from certain tax-  
288 exempt organizations; providing criminal penalties; reenacting  
289 ss.