

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 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 and disclosure;
104 registration; accepting contributions or making expenditures
105 prohibited; penalty.--

106 (1) (a) 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 1. The name of the person acting on behalf of the
117 organization.

118 2. The name and type of the organization.

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

121 (b) 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 (c) Upon filing a statement with the division, an
125 individual subject to the requirements of paragraph (a) 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 (d) 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 (e) The filing requirements of paragraph (a) 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 (2)(a) Any individual described in paragraph (1)(a) may
140 not accept contributions from any political committee or
141 committee of continuous existence which such individual, in
142 whole or in part, establishes, maintains, or controls.

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

151 (3) In any election, a committee of continuous existence or
152 electioneering communications organization may not accept
153 contributions in excess of \$500 from an individual or group if,
154 during the current election period ending on the date of the next
155 general election:

156 (a) The committee or organization, directly or indirectly
157 through one or more intermediaries, reimburses or pays for any
158 travel expenses of the Governor, the Lieutenant Governor, any
159 member of the Cabinet, any state legislator, any candidate for

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160 such offices, an employee or agent of the officer or candidate,
161 or a member of the officer or candidate's immediate family; and

162 (b) Any such individual establishes, maintains or controls
163 such committee or organization.

164
165 For purposes of this subsection, the terms "immediate family"
166 means the spouse, parent, child, grandparent, or sibling of the
167 officer or candidate and "travel expenses" means transportation,
168 lodging, or meals, and the primary election and general election
169 are separate elections so long as the candidate is not an
170 unopposed candidate as defined in s. 106.011(5).

171 Section 7. Section 106.0703, Florida Statutes, is created
172 to read:

173 106.0703 Electioneering communications organizations;
174 additional reporting requirements.--In addition to the reporting
175 requirements in s. 106.07, an electioneering communications
176 organization shall, within 2 days after receiving its initial
177 password or secure sign-on from the Department of State allowing
178 confidential access to the department's electronic campaign
179 finance filing system, electronically file the periodic campaign
180 finance reports that would have been required pursuant to s.
181 106.07 for reportable activities that occurred since the date of
182 the last general election.

183 Section 8. Paragraph (b) of subsection (2) of section
184 106.0705, Florida Statutes, is amended to read:

185 106.0705 Electronic filing of campaign treasurer's
186 reports.--

187 (2)

188 (b) Each political committee, committee of continuous
189 existence, electioneering communications organization, or state

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190 executive committee that is required to file reports with the
191 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,
192 as applicable, must file such reports with the division by means
193 of the division's electronic filing system.

194 Section 9. Subsections (4) and (7) of section 106.08,
195 Florida Statutes, are amended, paragraph (d) is added to
196 subsection (5) of that section, and subsection (8) of that
197 section is reenacted, to read:

198 106.08 Contributions; limitations on.--

199 (4) (a) Any contribution received by the chair, campaign
200 treasurer, or deputy campaign treasurer of a political committee
201 supporting or opposing a candidate with opposition in an
202 election or supporting or opposing an issue on the ballot in an
203 election on the day of that election or less than 5 days prior
204 to the day of that election may not be obligated or expended by
205 the committee until after the date of the election.

206 (b) Any contribution received by an electioneering
207 communications organization on the day of an election or less
208 than 5 days prior to the day of that election may not be
209 obligated or expended by the organization until after the date
210 of the election and may not be expended to pay for any
211 obligation arising prior to the election.

212 (5)

213 (d) An electioneering communications organization may not
214 accept a contribution from an organization exempt from taxation
215 under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other
216 than a political committee, committee of continuous existence,
217 or political party, unless the contributing organization has
218 registered as if the organization were an electioneering

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219 | communications organization pursuant to s. 106.03 and has filed
220 | all campaign finance reports required of electioneering
221 | communications organizations pursuant to ss. 106.07 and
222 | 106.0703.

223 | (7) (a) Any person who knowingly and willfully makes or
224 | accepts no more than one contribution in violation of subsection
225 | (1) or subsection (5), or any person who knowingly and willfully
226 | fails or refuses to return any contribution as required in
227 | subsection (3), commits a misdemeanor of the first degree,
228 | punishable as provided in s. 775.082 or s. 775.083. If any
229 | corporation, partnership, or other business entity or any
230 | political party, political committee, ~~or~~ committee of continuous
231 | existence, or electioneering communications organization is
232 | convicted of knowingly and willfully violating any provision
233 | punishable under this paragraph, it shall be fined not less than
234 | \$1,000 and not more than \$10,000. If it is a domestic entity, it
235 | may be ordered dissolved by a court of competent jurisdiction;
236 | if it is a foreign or nonresident business entity, its right to
237 | do business in this state may be forfeited. Any officer,
238 | partner, agent, attorney, or other representative of a
239 | corporation, partnership, or other business entity, or of a
240 | political party, political committee, ~~or~~ committee of continuous
241 | existence, electioneering communications organization, or
242 | organization exempt from taxation under s. 527 or s. 501(c)(4)
243 | of the Internal Revenue Code, who aids, abets, advises, or
244 | participates in a violation of any provision punishable under
245 | this paragraph commits a misdemeanor of the first degree,
246 | punishable as provided in s. 775.082 or s. 775.083.

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247 (b) Any person who knowingly and willfully makes or
248 accepts two or more contributions in violation of subsection (1)
249 or subsection (5) commits a felony of the third degree,
250 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
251 If any corporation, partnership, or other business entity or any
252 political party, political committee, ~~or~~ committee of continuous
253 existence, or electioneering communications organization is
254 convicted of knowingly and willfully violating any provision
255 punishable under this paragraph, it shall be fined not less than
256 \$10,000 and not more than \$50,000. If it is a domestic entity,
257 it may be ordered dissolved by a court of competent
258 jurisdiction; if it is a foreign or nonresident business entity,
259 its right to do business in this state may be forfeited. Any
260 officer, partner, agent, attorney, or other representative of a
261 corporation, partnership, or other business entity, or of a
262 political committee, committee of continuous existence, ~~or~~
263 political party, or electioneering communications organization,
264 or organization exempt from taxation under s. 527 or s.
265 501(c)(4) of the Internal Revenue Code, who aids, abets,
266 advises, or participates in a violation of any provision
267 punishable under this paragraph commits a felony of the third
268 degree, punishable as provided in s. 775.082, s. 775.083, or s.
269 775.084.

270 (8) Except when otherwise provided in subsection (7), any
271 person who knowingly and willfully violates any provision of
272 this section shall, in addition to any other penalty prescribed
273 by this chapter, pay to the state a sum equal to twice the
274 amount contributed in violation of this chapter. Each campaign

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275 treasurer shall pay all amounts contributed in violation of this
276 section to the state for deposit in the General Revenue Fund.

277

278

279 ===== T I T L E A M E N D M E N T =====

280 On page 1, line 14, to page 2, line 4

281 remove: all of said lines

282

283 and insert:

284 amending s. 106.04, F.S.; revising certain filing requirements

285 and reporting requirements for committees of continuous

286 existence; amending s. 106.07, F.S.; deleting a report filing

287 requirement for certain candidates for other than statewide

288 office; creating s. 106.0701; establishing campaign finance

289 reporting requirements for certain officers and candidates

290 soliciting contributions for certain committees and

291 organizations; providing a civil penalty; providing for

292 nonapplication to certain persons; prohibiting certain

293 individuals from accepting contributions from certain entities;

294 prohibiting electioneering communications organizations from

295 making certain expenditures relating to such individuals or

296 election opponents of such individuals; providing a civil

297 penalty; prohibiting certain entities from accepting certain

298 contributions in certain elections; providing criteria;

299 providing definitions; providing requirements; creating s.

300 106.0703, F.S.; establishing campaign finance reporting

301 requirements for electioneering communications organizations;

302 amending s. 106.0705, F.S.; incorporating the new campaign

303 finance reporting requirements for electioneering communications
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304 organizations into the Department of State's electronic campaign
305 finance reporting system; amending s. 106.08, F.S.; prohibiting
306 the use of certain contributions received by an electioneering
307 communications organization proximate to an election; limiting
308 certain contributions to electioneering communications
309 organizations from certain tax-exempt organizations; providing
310 criminal penalties; reenacting ss.
311