

By the Committee on Ethics and Elections; and Senators Posey,  
Rich, Wilson, Margolis and Aronberg

582-2222-06

1   A bill to be entitled  
2           An act relating to campaign finance; amending  
3           s. 106.011, F.S.; redefining the terms  
4           "political committee," "contribution,"  
5           "expenditure," "communications media," and  
6           "electioneering communication"; defining the  
7           term "electioneering communications  
8           organization"; amending s. 106.03, F.S.;  
9           revising the registration requirements for  
10          political committees and electioneering  
11          communications organizations; creating s.  
12          106.0703, F.S.; establishing campaign finance  
13          reporting requirements for electioneering  
14          communications organizations; amending s.  
15          106.0705, F.S.; incorporating the new campaign  
16          finance reporting requirements for  
17          electioneering communications organizations  
18          into the Department of State's electronic  
19          campaign finance reporting system; amending s.  
20          106.08, F.S.; prohibiting the use of certain  
21          contributions received by an electioneering  
22          communications organization proximate to an  
23          election; establishing conditions for the  
24          receipt of certain contributions by  
25          electioneering communications organizations;  
26          prohibiting certain state officeholders, state  
27          legislators, and candidates from soliciting or  
28          accepting contributions on behalf of certain  
29          organizations; establishing exemptions;  
30          reenacting ss. 106.07, 106.08(8), and 106.19,  
31          F.S., relating to reports, certification and

1 filing, and penalty provisions, to incorporate  
2 the amendments made by this act to ss. 106.03  
3 and 106.08, F.S., in references thereto;  
4 providing effective dates.  
5

6 Be It Enacted by the Legislature of the State of Florida:  
7

8 Section 1. Subsections (1), (3), (4), (13), and (18)  
9 of section 106.011, Florida Statutes, are amended, and  
10 subsection (19) is added to that section, to read:

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

14 (1)(a) "Political committee" means:

15 1. A combination of two or more individuals, or a  
16 person other than an individual, that, in an aggregate amount  
17 in excess of \$500 during a single calendar year:

18 a. Accepts contributions for the purpose of making  
19 contributions to any candidate, political committee, committee  
20 of continuous existence, or political party;

21 b. Accepts contributions for the purpose of expressly  
22 advocating the election or defeat of a candidate or the  
23 passage or defeat of an issue;

24 c. Makes expenditures that expressly advocate the  
25 election or defeat of a candidate or the passage or defeat of  
26 an issue; or

27 d. Makes contributions to a common fund, other than a  
28 joint checking account between spouses, from which  
29 contributions are made to any candidate, political committee,  
30 committee of continuous existence, or political party;  
31

1           2. The sponsor of a proposed constitutional amendment  
2 by initiative who intends to seek the signatures of registered  
3 electors.

4           (b) Notwithstanding paragraph (a), the following  
5 entities are not considered political committees for purposes  
6 of this chapter:

7           1. Organizations which are certified by the Department  
8 of State as committees of continuous existence pursuant to s.  
9 106.04, national political parties, and the state and county  
10 executive committees of political parties regulated by chapter  
11 103.

12           2. Corporations regulated by chapter 607 or chapter  
13 617 or other business entities formed for purposes other than  
14 to support or oppose issues or candidates, if their political  
15 activities are limited to contributions to candidates,  
16 political parties, or political committees or expenditures in  
17 support of or opposition to an issue from corporate or  
18 business funds and if no contributions are received by such  
19 corporations or business entities.

20           3. Electioneering communications organizations  
21 pursuant to subsection (19) ~~Organizations whose activities are~~  
22 ~~limited to making expenditures for electioneering~~  
23 ~~communications or accepting contributions for the purpose of~~  
24 ~~making electioneering communications~~; however, such  
25 organizations shall be required to register and report  
26 contributions, including those received from committees of  
27 continuous existence, and expenditures in the same manner, at  
28 the same time, subject to the same penalties, and with the  
29 same filing officer as a political committee supporting or  
30 opposing a candidate or issue contained in the electioneering  
31 communication, except as otherwise specifically provided in

1 this chapter. If any such organization would be required to  
2 register and report with more than one filing officer, the  
3 organization shall register and report solely with the  
4 Division of Elections.

5 (3) "Contribution" means:

6 (a) A gift, subscription, conveyance, deposit, loan,  
7 payment, or distribution of money or anything of value,  
8 including contributions in kind having an attributable  
9 monetary value in any form, made for the purpose of  
10 influencing the results of an election or making an  
11 electioneering communication.

12 (b) A transfer of funds between political committees,  
13 between committees of continuous existence, between  
14 electioneering communications organizations, or between any  
15 combination of these groups ~~or between a political committee~~  
16 ~~and a committee of continuous existence.~~

17 (c) The payment, by any person other than a candidate  
18 or political committee, of compensation for the personal  
19 services of another person which are rendered to a candidate  
20 or political committee without charge to the candidate or  
21 committee for such services.

22 (d) The transfer of funds by a campaign treasurer or  
23 deputy campaign treasurer between a primary depository and a  
24 separate interest-bearing account or certificate of deposit,  
25 and the term includes any interest earned on such account or  
26 certificate.

27  
28 Notwithstanding the foregoing meanings of "contribution," the  
29 word shall not be construed to include services, including,  
30 but not limited to, legal and accounting services, provided  
31 without compensation by individuals volunteering a portion or

1 all of their time on behalf of a candidate or political  
2 committee. This definition shall not be construed to include  
3 editorial endorsements.

4 (4)(a) "Expenditure" means a purchase, payment,  
5 distribution, loan, advance, transfer of funds by a campaign  
6 treasurer or deputy campaign treasurer between a primary  
7 depository and a separate interest-bearing account or  
8 certificate of deposit, or gift of money or anything of value  
9 made for the purpose of influencing the results of an election  
10 or making an electioneering communication. However,  
11 "expenditure" does not include a purchase, payment,  
12 distribution, loan, advance, or gift of money or anything of  
13 value made for the purpose of influencing the results of an  
14 election when made by an organization, in existence prior to  
15 the time during which a candidate qualifies or an issue is  
16 placed on the ballot for that election, for the purpose of  
17 printing or distributing such organization's newsletter,  
18 containing a statement by such organization in support of or  
19 opposition to a candidate or issue, which newsletter is  
20 distributed only to members of such organization.

21 (b) As used in this chapter, an "expenditure" for an  
22 electioneering communication is made when the earliest of the  
23 following occurs:

24 1. A person enters into ~~executes~~ a contract for  
25 applicable goods or services;

26 2. A person makes payment, in whole or in part, for  
27 the production or public dissemination of applicable goods or  
28 services; or

29 3. The electioneering communication is publicly  
30 disseminated.

31

1           (13) "Communications media" means broadcasting  
2 stations, newspapers, magazines, outdoor advertising  
3 facilities, printers, direct mail ~~mailing companies~~,  
4 advertising agencies, the Internet, and telephone companies;  
5 but with respect to telephones, an expenditure shall be deemed  
6 to be an expenditure for the use of communications media only  
7 if made for the costs of telephones, paid telephonists, or  
8 automatic telephone equipment to be used by a candidate or a  
9 political committee to communicate with potential voters but  
10 excluding any costs of telephones incurred by a volunteer for  
11 use of telephones by such volunteer; however, with respect to  
12 the Internet, an expenditure shall be deemed an expenditure  
13 for use of communications media only if made for the cost of  
14 creating or disseminating a message on a computer information  
15 system accessible by more than one person but excluding  
16 internal communications of a campaign or of any group.

17           (18)(a) "Electioneering communication" means a paid  
18 expression in any communications media prescribed in  
19 subsection (13) by means other than the spoken word in direct  
20 conversation that:

21           1. Refers to or depicts a clearly identified candidate  
22 for office or contains a clear reference indicating that an  
23 issue is to be voted on at an election, without expressly  
24 advocating the election or defeat of a candidate or the  
25 passage or defeat of an issue.

26           2. For communications referring to or depicting a  
27 clearly identified candidate for office, is targeted to the  
28 relevant electorate. A communication is considered targeted if  
29 1,000 or more persons in the geographic area the candidate  
30 would represent if elected will receive the communication.

31

1           3. ~~For communications referring to or depicting a~~  
2 ~~clearly identified candidate for office, is published after~~  
3 ~~the end of the candidate qualifying period for the office~~  
4 ~~sought by the candidate.~~

5           4. For communications containing a clear reference  
6 indicating that an issue is to be voted on at an election, is  
7 published after the issue is designated a ballot position or  
8 120 days before the date of the election on the issue,  
9 whichever occurs first.

10           (b) The term "electioneering communication" does not  
11 include:

12           1. A statement or depiction by an organization, in  
13 existence prior to the time during which a candidate named or  
14 depicted qualifies or an issue identified is placed on the  
15 ballot for that election, made in that organization's  
16 newsletter, which newsletter is distributed only to members of  
17 that organization.

18           2. An editorial endorsement, news story, commentary,  
19 or editorial by any newspaper, radio, television station, or  
20 other recognized news medium.

21           3. A communication that constitutes a public debate or  
22 forum that includes at least two opposing candidates for an  
23 office or one advocate and one opponent of an issue, or that  
24 solely promotes such a debate or forum and is made by or on  
25 behalf of the person sponsoring the debate or forum, provided  
26 that:

27           a. The staging organization is either:

28           (I) A charitable organization that does not make other  
29 electioneering communications and does not otherwise support  
30 or oppose any political candidate or political party; or  
31

1 (II) A newspaper, radio station, television station,  
2 or other recognized news medium; and

3 b. The staging organization does not structure the  
4 debate to promote or advance one candidate or issue position  
5 over another.

6 (c) For purposes of this chapter, an expenditure made  
7 for, or in furtherance of, an electioneering communication  
8 shall not be considered a contribution to or on behalf of any  
9 candidate.

10 (d) For purposes of this chapter, an electioneering  
11 communication shall not constitute an independent expenditure  
12 nor be subject to the limitations applicable to independent  
13 expenditures.

14 (19) "Electioneering communications organization"  
15 means any group, other than a political party, political  
16 committee, or committee of continuous existence, whose  
17 activities are limited to making expenditures for  
18 electioneering communications or accepting contributions for  
19 the purpose of making electioneering communications.

20 Section 2. Section 106.03, Florida Statutes, is  
21 amended to read:

22 106.03 Registration of political committees.--

23 (1)(a) Each political committee ~~that~~ ~~which~~ anticipates  
24 receiving contributions or making expenditures during a  
25 calendar year in an aggregate amount exceeding \$500 or that  
26 ~~which~~ is seeking the signatures of registered electors in  
27 support of an initiative shall file a statement of  
28 organization as provided in subsection (3) within 10 days  
29 after its organization or, if later, within 10 days after the  
30 date on which it has information ~~that~~ ~~which~~ causes the  
31 committee to anticipate that it will receive contributions or



1 make expenditures in excess of \$500. If a political committee  
2 is organized within 10 days of any election, it shall  
3 immediately file the statement of organization required by  
4 this section.

5 (b) Each electioneering communications organization  
6 that anticipates receiving contributions or making  
7 expenditures shall file a statement of organization as  
8 provided in subsection (3) by expedited delivery within 24  
9 hours after its organization or, if later, within 24 hours  
10 after the date on which it has information that causes the  
11 organization to anticipate that it will receive contributions  
12 or make expenditures for an electioneering communication.

13 (2) The statement of organization shall include:

14 (a) The name and street address of the committee;

15 (b) The names, street addresses, and relationships of  
16 affiliated or connected organizations;

17 (c) The area, scope, or jurisdiction of the committee;

18 (d) The name, street address, and position of the  
19 custodian of books and accounts;

20 (e) The name, street address, and position of other  
21 principal officers, including officers and members of the  
22 finance committee, if any;

23 (f) The name, address, office sought, and party  
24 affiliation of:

25 1. Each candidate whom the committee is supporting;

26 2. Any other individual, if any, whom the committee is  
27 supporting for nomination for election, or election, to any  
28 public office whatever;

29 (g) Any issue or issues such organization is  
30 supporting or opposing;

31

1 (h) If the committee is supporting the entire ticket  
2 of any party, a statement to that effect and the name of the  
3 party;

4 (i) A statement of whether the committee is a  
5 continuing one;

6 (j) Plans for the disposition of residual funds which  
7 will be made in the event of dissolution;

8 (k) A listing of all banks, safe-deposit boxes, or  
9 other depositories used for committee funds; and

10 (l) A statement of the reports required to be filed by  
11 the committee with federal officials, if any, and the names,  
12 addresses, and positions of such officials.

13 (3)(a) A political committee which is organized to  
14 support or oppose statewide, legislative, or multicounty  
15 candidates or issues to be voted upon on a statewide or  
16 multicounty basis shall file a statement of organization with  
17 the Division of Elections.

18 (b) Except as provided in paragraph (c), a political  
19 committee which is organized to support or oppose candidates  
20 or issues to be voted on in a countywide election or  
21 candidates or issues in any election held on less than a  
22 countywide basis shall file a statement of organization with  
23 the supervisor of elections of the county in which such  
24 election is being held.

25 (c) A political committee which is organized to  
26 support or oppose only candidates for municipal office or  
27 issues to be voted on in a municipal election shall file a  
28 statement of organization with the officer before whom  
29 municipal candidates qualify.

30 (d) Any political committee which would be required  
31 under this subsection to file a statement of organization in

1 two or more locations by reason of the committee's intention  
2 to support or oppose candidates or issues at state or  
3 multicounty and local levels of government need file only with  
4 the Division of Elections.

5 (4) Any change in information previously submitted in  
6 a statement of organization shall be reported to the agency or  
7 officer with whom such committee is required to register  
8 pursuant to subsection (3), within 10 days following the  
9 change.

10 (5) Any committee which, after having filed one or  
11 more statements of organization, disbands or determines it  
12 will no longer receive contributions or make expenditures  
13 during the calendar year in an aggregate amount exceeding \$500  
14 shall so notify the agency or officer with whom such committee  
15 is required to file the statement of organization.

16 (6) If the filing officer finds that a political  
17 committee has filed its statement of organization consistent  
18 with the requirements of subsection (2), it shall notify the  
19 committee in writing that it has been registered as a  
20 political committee. If the filing officer finds that a  
21 political committee's statement of organization does not meet  
22 the requirements of subsection (2), it shall notify the  
23 committee of such finding and shall state in writing the  
24 reasons for rejection of the statement of organization.

25 (7) The Division of Elections shall promulgate rules  
26 to prescribe the manner in which inactive committees may be  
27 dissolved and have their registration canceled. Such rules  
28 shall, at a minimum, provide for:

29 (a) Notice which shall contain the facts and conduct  
30 which warrant the intended action, including but not limited  
31 to failure to file reports and limited activity.

1 (b) Adequate opportunity to respond.

2 (c) Appeal of the decision to the Florida Elections  
3 Commission. Such appeals shall be exempt from the  
4 confidentiality provisions of s. 106.25.

5 Section 3. Section 106.0703, Florida Statutes, is  
6 created to read:

7 106.0703 Electioneering communications organizations;  
8 additional reporting requirements.--

9 (1) In addition to the reporting requirements in s.  
10 106.07, an electioneering communications organization shall,  
11 within 2 days after receiving its initial password or secure  
12 sign-on from the Department of State allowing confidential  
13 access to the department's electronic campaign finance filing  
14 system, electronically file the periodic campaign finance  
15 reports that would have been required pursuant to s. 106.07  
16 for reportable activities that occurred since the date of the  
17 last general election.

18 (2) In addition to the reporting requirements in s.  
19 106.07, an electioneering communications organization shall  
20 electronically file a supplemental report of each contribution  
21 of \$5,000 or more received by the organization within 2 days  
22 after receipt. The supplemental report must include the  
23 information required in s. 106.07(4)(a)1.-5. The  
24 electioneering communications organization shall also include  
25 each contribution reported pursuant to this subsection on the  
26 quarterly or periodic campaign finance report pursuant to s.  
27 106.07 for the reporting period in which the contribution was  
28 received.

29 Section 4. Section 106.0705, Florida Statutes, is  
30 amended to read:

31

1           106.0705 Electronic filing of campaign treasurer's  
2 reports.--

3           (1) As used in this section, "electronic filing  
4 system" means an Internet system for recording and reporting  
5 campaign finance activity by reporting period.

6           (2)(a) Each candidate who is required to file reports  
7 pursuant to s. 106.07 with the division must file such reports  
8 with the division by means of the division's electronic filing  
9 system.

10           (b) Each political committee, committee of continuous  
11 existence, electioneering communications organization, or  
12 state executive committee that is required to file reports  
13 with the division under s. 106.04, s. 106.07, s. 106.0703, or  
14 s. 106.29, as applicable, must file such reports with the  
15 division by means of the division's electronic filing system.

16           (c) Each person or organization that is required to  
17 file reports with the division under s. 106.071 must file such  
18 reports with the division by means of the division's  
19 electronic filing system.

20           (3) Reports filed pursuant to this section shall be  
21 completed and filed through the electronic filing system not  
22 later than midnight of the day designated. Reports not filed  
23 by midnight of the day designated are late filed and are  
24 subject to the penalties under s. 106.04(8), s. 106.07(8), or  
25 s. 106.29(3), as applicable.

26           (4) Each report filed pursuant to this section is  
27 considered to be under oath by the candidate and treasurer or  
28 the chair and treasurer, whichever is applicable, and such  
29 persons are subject to the provisions of s. 106.04(4)(d), s.  
30 106.07(5), or s. 106.29(2), as applicable. Persons given a  
31 secure sign-on to the electronic filing system are responsible

1 for protecting such from disclosure and are responsible for  
2 all filings using such credentials, unless they have notified  
3 the division that their credentials have been compromised.

4 (5) The electronic filing system developed by the  
5 division must:

6 (a) Be based on access by means of the Internet.

7 (b) Be accessible by anyone with Internet access using  
8 standard web-browsing software.

9 (c) Provide for direct entry of campaign finance  
10 information as well as upload of such information from  
11 campaign finance software certified by the division.

12 (d) Provide a method that prevents unauthorized access  
13 to electronic filing system functions.

14 (6) The division shall adopt rules pursuant to ss.  
15 120.536(1) and 120.54 to administer this section and provide  
16 for the reports required to be filed pursuant to this section.  
17 Such rules shall, at a minimum, provide:

18 (a) Alternate filing procedures in case the division's  
19 electronic filing system is not operable.

20 (b) For the issuance of an electronic receipt to the  
21 person submitting the report indicating and verifying that the  
22 report has been filed.

23 (7) Notwithstanding anything in law to the contrary,  
24 any report required to have been filed under this section for  
25 the period ended March 31, 2005, shall be deemed to have been  
26 timely filed if the report is filed under this section on or  
27 before June 1, 2005.

28 Section 5. Effective upon this act becoming a law,  
29 subsections (5) and (7) of section 106.08, Florida Statutes,  
30 are amended to read:

31 106.08 Contributions; limitations on.--

1           (5)(a) A person may not make any contribution through  
2 or in the name of another, directly or indirectly, in any  
3 election.

4           (b) Candidates, political committees, and political  
5 parties may not solicit contributions from any religious,  
6 charitable, civic, or other causes or organizations  
7 established primarily for the public good.

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

13           1. A candidate, political committee, or political  
14 party executive committee to make gifts of money in lieu of  
15 flowers in memory of a deceased person;

16           2. A candidate to continue membership in, or make  
17 regular donations from personal or business funds to,  
18 religious, political party, civic, or charitable groups of  
19 which the candidate is a member or to which the candidate has  
20 been a regular donor for more than 6 months; or

21           3. A candidate to purchase, with campaign funds,  
22 tickets, admission to events, or advertisements from  
23 religious, civic, political party, or charitable groups.

24           (d) The Governor, the Lieutenant Governor, members of  
25 the Cabinet, state legislators, and candidates for any of  
26 these offices may not, directly or indirectly, solicit, cause  
27 to be solicited, or accept any contribution on behalf of a  
28 political committee, committee of continuous existence,  
29 electioneering communications organization, or any  
30 organization exempt from taxation under 26 U.S.C. s. 527 or s.  
31 501(c)(4); however, such persons may solicit, cause to be

1 solicited, or accept a contribution on behalf of their own  
2 political party, their own campaign, or the campaign of any  
3 other candidate.

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

26 (b) Any person who knowingly and willfully makes, l  
27 solicits, or accepts two or more contributions in violation of  
28 subsection (1) or subsection (5) commits a felony of the third  
29 degree, punishable as provided in s. 775.082, s. 775.083, or  
30 s. 775.084. If any corporation, partnership, or other  
31 business entity or any political party, political committee,



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

15 Section 6. Subsection (4) of section 106.08, Florida  
16 Statutes, is amended, subsections (5) and (7) of that section,  
17 as amended by this act, are amended, and subsection (8) of  
18 that section is reenacted, to read:

19 106.08 Contributions; limitations on.--

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

28 (b) Any contribution received by an electioneering  
29 communications organization on the day of an election or less  
30 than 10 days prior to the day of that election may not be  
31 obligated or expended by the organization until after the date

1 of the election, and may not be expended to pay for any  
2 obligation arising prior to the election.

3 (5)(a) A person may not make any contribution through  
4 or in the name of another, directly or indirectly, in any  
5 election.

6 (b) Candidates, political committees, and political  
7 parties may not solicit contributions from any religious,  
8 charitable, civic, or other causes or organizations  
9 established primarily for the public good.

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

15 1. A candidate, political committee, or political  
16 party executive committee to make gifts of money in lieu of  
17 flowers in memory of a deceased person;

18 2. A candidate to continue membership in, or make  
19 regular donations from personal or business funds to,  
20 religious, political party, civic, or charitable groups of  
21 which the candidate is a member or to which the candidate has  
22 been a regular donor for more than 6 months; or

23 3. A candidate to purchase, with campaign funds,  
24 tickets, admission to events, or advertisements from  
25 religious, civic, political party, or charitable groups.

26 (d) The Governor, the Lieutenant Governor, members of  
27 the Cabinet, state legislators, and candidates for any of  
28 these offices may not, directly or indirectly, solicit, cause  
29 to be solicited, or accept any contribution on behalf of a  
30 political committee, committee of continuous existence,  
31 electioneering communications organization, or any

1 organization exempt from taxation under 26 U.S.C. s. 527 or s.  
2 501(c)(4); however, such persons may solicit, cause to be  
3 solicited, or accept a contribution on behalf of their own  
4 political party, their own campaign, or the campaign of any  
5 other candidate.

6 (e) An electioneering communications organization may  
7 not accept a contribution from an organization exempt from  
8 taxation under 26 U.S.C. s. 527 or s. 501(c)(4), other than a  
9 political committee, committee of continuous existence, or  
10 political party, unless the contributing organization has  
11 registered as if it were an electioneering communications  
12 organization pursuant to s. 106.03 and has filed all campaign  
13 finance reports required of electioneering communications  
14 organizations pursuant to ss. 106.07 and 106.0703.

15 (7)(a) Any person who knowingly and willfully makes,  
16 solicits, or accepts no more than one contribution in  
17 violation of subsection (1) or subsection (5), or any person  
18 who knowingly and willfully fails or refuses to return any  
19 contribution as required in subsection (3), commits a  
20 misdemeanor of the first degree, punishable as provided in s.  
21 775.082 or s. 775.083. If any corporation, partnership, or  
22 other business entity or any political party, political  
23 committee, ~~or~~ committee of continuous existence, or  
24 electioneering communications organization is convicted of  
25 knowingly and willfully violating any provision punishable  
26 under this paragraph, it shall be fined not less than \$1,000  
27 and not more than \$10,000. 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 party, political committee, ~~or~~ committee of  
3 continuous existence, electioneering communications  
4 organization, or organization exempt from taxation under 26  
5 U.S.C. s. 527 or s. 501(c)(4), who aids, abets, advises, or  
6 participates in a violation of any provision punishable under  
7 this paragraph commits a misdemeanor of the first degree,  
8 punishable as provided in s. 775.082 or s. 775.083.

9 (b) Any person who knowingly and willfully makes,  
10 solicits, or accepts two or more contributions in violation of  
11 subsection (1) or subsection (5) commits a felony of the third  
12 degree, punishable as provided in s. 775.082, s. 775.083, or  
13 s. 775.084. If any corporation, partnership, or other  
14 business entity or any political party, political committee,  
15 ~~or~~ committee of continuous existence, or electioneering  
16 communications organization is convicted of knowingly and  
17 willfully violating any provision punishable under this  
18 paragraph, it shall be fined not less than \$10,000 and not  
19 more than \$50,000. If it is a domestic entity, it may be  
20 ordered dissolved by a court of competent jurisdiction; if it  
21 is a foreign or nonresident business entity, its right to do  
22 business in this state may be forfeited. Any officer,  
23 partner, agent, attorney, or other representative of a  
24 corporation, partnership, or other business entity, or of a  
25 political committee, committee of continuous existence, ~~or~~  
26 political party, electioneering communications organization,  
27 or organization exempt from taxation under 26 U.S.C. s. 527 or  
28 s. 501(c)(4), who aids, abets, advises, or participates in a  
29 violation of any provision punishable under this paragraph  
30 commits a felony of the third degree, punishable as provided  
31 in s. 775.082, s. 775.083, or s. 775.084.

1           (8) Except when otherwise provided in subsection (7),  
2 any person who knowingly and willfully violates any provision  
3 of this section shall, in addition to any other penalty  
4 prescribed by this chapter, pay to the state a sum equal to  
5 twice the amount contributed in violation of this chapter.  
6 Each campaign treasurer shall pay all amounts contributed in  
7 violation of this section to the state for deposit in the  
8 General Revenue Fund.

9           Section 7. For the purpose of incorporating the  
10 amendments made by this act to section 106.03, Florida  
11 Statutes, in a reference thereto, section 106.07, Florida  
12 Statutes, is reenacted to read:

13           106.07 Reports; certification and filing.--

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

28           (a) Except as provided in paragraph (b), following the  
29 last day of qualifying for office, the reports shall be filed  
30 on the 32nd, 18th, and 4th days immediately preceding the  
31 primary and on the 46th, 32nd, 18th, and 4th days immediately

1 preceding the election, for a candidate who is opposed in  
2 seeking nomination or election to any office, for a political  
3 committee, or for a committee of continuous existence.

4 (b) Following the last day of qualifying for office,  
5 any statewide candidate who has requested to receive  
6 contributions from the Election Campaign Financing Trust Fund  
7 or any statewide candidate in a race with a candidate who has  
8 requested to receive contributions from the trust fund shall  
9 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior  
10 to the primary election, and on the 4th, 11th, 18th, 25th,  
11 32nd, 39th, 46th, and 53rd days prior to the general election.

12 (c) Following the last day of qualifying for office,  
13 any unopposed candidate need only file a report within 90 days  
14 after the date such candidate became unopposed. Such report  
15 shall contain all previously unreported contributions and  
16 expenditures as required by this section and shall reflect  
17 disposition of funds as required by s. 106.141.

18 (d)1. When a special election is called to fill a  
19 vacancy in office, all political committees and committees of  
20 continuous existence making contributions or expenditures to  
21 influence the results of such special election shall file  
22 campaign treasurers' reports with the filing officer on the  
23 dates set by the Department of State pursuant to s. 100.111.

24 2. When an election is called for an issue to appear  
25 on the ballot at a time when no candidates are scheduled to  
26 appear on the ballot, all political committees making  
27 contributions or expenditures in support of or in opposition  
28 to such issue shall file reports on the 18th and 4th days  
29 prior to such election.  
30  
31

1           (e) The filing officer shall provide each candidate  
2 with a schedule designating the beginning and end of reporting  
3 periods as well as the corresponding designated due dates.

4           (2)(a) All reports required of a candidate by this  
5 section shall be filed with the officer before whom the  
6 candidate is required by law to qualify. All candidates who  
7 file with the Department of State shall file their reports  
8 pursuant to s. 106.0705. In addition, a copy of each report  
9 for candidates for other than statewide office who qualify  
10 with the Department of State shall be filed with the  
11 supervisor of elections in the county where the candidate  
12 resides. Except as provided in s. 106.0705, reports shall be  
13 filed not later than 5 p.m. of the day designated; however,  
14 any report postmarked by the United States Postal Service no  
15 later than midnight of the day designated shall be deemed to  
16 have been filed in a timely manner. Any report received by the  
17 filing officer within 5 days after the designated due date  
18 that was delivered by the United States Postal Service shall  
19 be deemed timely filed unless it has a postmark that indicates  
20 that the report was mailed after the designated due date. A  
21 certificate of mailing obtained from and dated by the United  
22 States Postal Service at the time of mailing, or a receipt  
23 from an established courier company, which bears a date on or  
24 before the date on which the report is due, shall be proof of  
25 mailing in a timely manner. Reports shall contain information  
26 of all previously unreported contributions received and  
27 expenditures made as of the preceding Friday, except that the  
28 report filed on the Friday immediately preceding the election  
29 shall contain information of all previously unreported  
30 contributions received and expenditures made as of the day  
31

1 preceding that designated due date. All such reports shall be  
2 open to public inspection.

3 (b)1. Any report which is deemed to be incomplete by  
4 the officer with whom the candidate qualifies shall be  
5 accepted on a conditional basis, and the campaign treasurer  
6 shall be notified by registered mail as to why the report is  
7 incomplete and be given 3 days from receipt of such notice to  
8 file an addendum to the report providing all information  
9 necessary to complete the report in compliance with this  
10 section. Failure to file a complete report after such notice  
11 constitutes a violation of this chapter.

12 2. In lieu of the notice by registered mail as  
13 required in subparagraph 1., the qualifying officer may notify  
14 the campaign treasurer by telephone that the report is  
15 incomplete and request the information necessary to complete  
16 the report. If, however, such information is not received by  
17 the qualifying officer within 3 days after the telephone  
18 request therefor, notice shall be sent by registered mail as  
19 provided in subparagraph 1.

20 (3) Reports required of a political committee shall be  
21 filed with the agency or officer before whom such committee  
22 registers pursuant to s. 106.03(3) and shall be subject to the  
23 same filing conditions as established for candidates' reports.  
24 Incomplete reports by political committees shall be treated in  
25 the manner provided for incomplete reports by candidates in  
26 subsection (2).

27 (4)(a) Each report required by this section shall  
28 contain:

29 1. The full name, address, and occupation, if any of  
30 each person who has made one or more contributions to or for  
31 such committee or candidate within the reporting period,



1 together with the amount and date of such contributions. For  
2 corporations, the report must provide as clear a description  
3 as practicable of the principal type of business conducted by  
4 the corporation. However, if the contribution is \$100 or less  
5 or is from a relative, as defined in s. 112.312, provided that  
6 the relationship is reported, the occupation of the  
7 contributor or the principal type of business need not be  
8 listed.

9           2. The name and address of each political committee  
10 from which the reporting committee or the candidate received,  
11 or to which the reporting committee or candidate made, any  
12 transfer of funds, together with the amounts and dates of all  
13 transfers.

14           3. Each loan for campaign purposes to or from any  
15 person or political committee within the reporting period,  
16 together with the full names, addresses, and occupations, and  
17 principal places of business, if any, of the lender and  
18 endorsers, if any, and the date and amount of such loans.

19           4. A statement of each contribution, rebate, refund,  
20 or other receipt not otherwise listed under subparagraphs 1.  
21 through 3.

22           5. The total sums of all loans, in-kind contributions,  
23 and other receipts by or for such committee or candidate  
24 during the reporting period. The reporting forms shall be  
25 designed to elicit separate totals for in-kind contributions,  
26 loans, and other receipts.

27           6. The full name and address of each person to whom  
28 expenditures have been made by or on behalf of the committee  
29 or candidate within the reporting period; the amount, date,  
30 and purpose of each such expenditure; and the name and address  
31 of, and office sought by, each candidate on whose behalf such

1 expenditure was made. However, expenditures made from the  
2 petty cash fund provided by s. 106.12 need not be reported  
3 individually.

4         7. The full name and address of each person to whom an  
5 expenditure for personal services, salary, or reimbursement  
6 for authorized expenses as provided in s. 106.021(3) has been  
7 made and which is not otherwise reported, including the  
8 amount, date, and purpose of such expenditure. However,  
9 expenditures made from the petty cash fund provided for in s.  
10 106.12 need not be reported individually.

11         8. The total amount withdrawn and the total amount  
12 spent for petty cash purposes pursuant to this chapter during  
13 the reporting period.

14         9. The total sum of expenditures made by such  
15 committee or candidate during the reporting period.

16         10. The amount and nature of debts and obligations  
17 owed by or to the committee or candidate, which relate to the  
18 conduct of any political campaign.

19         11. A copy of each credit card statement which shall  
20 be included in the next report following receipt thereof by  
21 the candidate or political committee. Receipts for each credit  
22 card purchase shall be retained by the treasurer with the  
23 records for the campaign account.

24         12. The amount and nature of any separate  
25 interest-bearing accounts or certificates of deposit and  
26 identification of the financial institution in which such  
27 accounts or certificates of deposit are located.

28         13. The primary purposes of an expenditure made  
29 indirectly through a campaign treasurer pursuant to s.  
30 106.021(3) for goods and services such as communications media  
31 placement or procurement services, campaign signs, insurance,

1 and other expenditures that include multiple components as  
2 part of the expenditure. The primary purpose of an expenditure  
3 shall be that purpose, including integral and directly related  
4 components, that comprises 80 percent of such expenditure.

5 (b) The filing officer shall make available to any  
6 candidate or committee a reporting form which the candidate or  
7 committee may use to indicate contributions received by the  
8 candidate or committee but returned to the contributor before  
9 deposit.

10 (5) The candidate and his or her campaign treasurer,  
11 in the case of a candidate, or the political committee chair  
12 and campaign treasurer of the committee, in the case of a  
13 political committee, shall certify as to the correctness of  
14 each report; and each person so certifying shall bear the  
15 responsibility for the accuracy and veracity of each report.  
16 Any campaign treasurer, candidate, or political committee  
17 chair who willfully certifies the correctness of any report  
18 while knowing that such report is incorrect, false, or  
19 incomplete commits a misdemeanor of the first degree,  
20 punishable as provided in s. 775.082 or s. 775.083.

21 (6) The campaign depository shall return all checks  
22 drawn on the account to the campaign treasurer who shall  
23 retain the records pursuant to s. 106.06. The records  
24 maintained by the depository with respect to such account  
25 shall be subject to inspection by an agent of the Division of  
26 Elections or the Florida Elections Commission at any time  
27 during normal banking hours, and such depository shall furnish  
28 certified copies of any of such records to the Division of  
29 Elections or Florida Elections Commission upon request.

30 (7) Notwithstanding any other provisions of this  
31 chapter, in any reporting period during which a candidate,

1 | political committee, or committee of continuous existence has  
2 | not received funds, made any contributions, or expended any  
3 | reportable funds, the filing of the required report for that  
4 | period is waived. However, the next report filed must specify  
5 | that the report covers the entire period between the last  
6 | submitted report and the report being filed, and any  
7 | candidate, political committee, or committee of continuous  
8 | existence not reporting by virtue of this subsection on dates  
9 | prescribed elsewhere in this chapter shall notify the filing  
10 | officer in writing on the prescribed reporting date that no  
11 | report is being filed on that date.

12 |         (8)(a) Any candidate or political committee failing to  
13 | file a report on the designated due date shall be subject to a  
14 | fine as provided in paragraph (b) for each late day, and, in  
15 | the case of a candidate, such fine shall be paid only from  
16 | personal funds of the candidate. The fine shall be assessed by  
17 | the filing officer and the moneys collected shall be  
18 | deposited:

19 |             1. In the General Revenue Fund, in the case of a  
20 | candidate for state office or a political committee that  
21 | registers with the Division of Elections; or

22 |             2. In the general revenue fund of the political  
23 | subdivision, in the case of a candidate for an office of a  
24 | political subdivision or a political committee that registers  
25 | with an officer of a political subdivision.

26 |  
27 | No separate fine shall be assessed for failure to file a copy  
28 | of any report required by this section.

29 |         (b) Upon determining that a report is late, the filing  
30 | officer shall immediately notify the candidate or chair of the  
31 | political committee as to the failure to file a report by the

1 designated due date and that a fine is being assessed for each  
2 late day. The fine shall be \$50 per day for the first 3 days  
3 late and, thereafter, \$500 per day for each late day, not to  
4 exceed 25 percent of the total receipts or expenditures,  
5 whichever is greater, for the period covered by the late  
6 report. However, for the reports immediately preceding each  
7 primary and general election, the fine shall be \$500 per day  
8 for each late day, not to exceed 25 percent of the total  
9 receipts or expenditures, whichever is greater, for the period  
10 covered by the late report. For reports required under s.  
11 106.141(7), the fine is \$50 per day for each late day, not to  
12 exceed 25 percent of the total receipts or expenditures,  
13 whichever is greater, for the period covered by the late  
14 report. Upon receipt of the report, the filing officer shall  
15 determine the amount of the fine which is due and shall notify  
16 the candidate or chair. The filing officer shall determine the  
17 amount of the fine due based upon the earliest of the  
18 following:

- 19 1. When the report is actually received by such  
20 officer.
- 21 2. When the report is postmarked.
- 22 3. When the certificate of mailing is dated.
- 23 4. When the receipt from an established courier  
24 company is dated.
- 25 5. When the electronic receipt issued pursuant to s.  
26 106.0705 is dated.

27  
28 Such fine shall be paid to the filing officer within 20 days  
29 after receipt of the notice of payment due, unless appeal is  
30 made to the Florida Elections Commission pursuant to paragraph  
31 (c). In the case of a candidate, such fine shall not be an

1 allowable campaign expenditure and shall be paid only from  
2 personal funds of the candidate. An officer or member of a  
3 political committee shall not be personally liable for such  
4 fine.

5 (c) Any candidate or chair of a political committee  
6 may appeal or dispute the fine, based upon, but not limited  
7 to, unusual circumstances surrounding the failure to file on  
8 the designated due date, and may request and shall be entitled  
9 to a hearing before the Florida Elections Commission, which  
10 shall have the authority to waive the fine in whole or in  
11 part. The Florida Elections Commission must consider the  
12 mitigating and aggravating circumstances contained in s.  
13 106.265(1) when determining the amount of a fine, if any, to  
14 be waived. Any such request shall be made within 20 days after  
15 receipt of the notice of payment due. In such case, the  
16 candidate or chair of the political committee shall, within  
17 the 20-day period, notify the filing officer in writing of his  
18 or her intention to bring the matter before the commission.

19 (d) The appropriate filing officer shall notify the  
20 Florida Elections Commission of the repeated late filing by a  
21 candidate or political committee, the failure of a candidate  
22 or political committee to file a report after notice, or the  
23 failure to pay the fine imposed. The commission shall  
24 investigate only those alleged late filing violations  
25 specifically identified by the filing officer and as set forth  
26 in the notification. Any other alleged violations must be  
27 separately stated and reported by the division to the  
28 commission under s. 106.25(2).

29 (9) The Department of State may prescribe by rule the  
30 requirements for filing campaign treasurers' reports as set  
31 forth in this chapter.

1           Section 8. For the purpose of incorporating the  
2 amendments made by this act to section 106.08, Florida  
3 Statutes, in a reference thereto, section 106.19, Florida  
4 Statutes, is reenacted to read:

5           106.19 Violations by candidates, persons connected  
6 with campaigns, and political committees.--

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

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

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

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

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

22  
23 is guilty of a misdemeanor of the first degree, punishable as  
24 provided in s. 775.082 or s. 775.083.

25           (2) Any candidate, campaign treasurer, or deputy  
26 treasurer; any chair, vice chair, or other officer of any  
27 political committee; any agent or person acting on behalf of  
28 any candidate or political committee; or any other person who  
29 violates paragraph (1)(a), paragraph (1)(b), or paragraph  
30 (1)(d) shall be subject to a civil penalty equal to three  
31 times the amount involved in the illegal act. Such penalty

1 may be in addition to the penalties provided by subsection (1)  
2 and shall be paid into the General Revenue Fund of this state.

3 (3) A political committee sponsoring a constitutional  
4 amendment proposed by initiative which submits a petition form  
5 gathered by a paid petition circulator which does not provide  
6 the name and address of the paid petition circulator on the  
7 form is subject to the civil penalties prescribed in s.  
8 106.265.

9 Section 9. Except as otherwise expressly provided in  
10 this act and except for this section, which shall take effect  
11 upon becoming a law, this act shall take effect July 1, 2006.

12  
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 Senate Bills 716 & 2660

16 The combined committee substitute differs from the original in  
17 that it: prohibits "electioneering communications  
18 organizations" (ECOs) from using contributions received within  
19 10 days of an election to pay for obligations arising prior to  
20 that election; removes the temporal restriction applicable to  
21 "electioneering communications" involving candidates; expands  
22 the trigger events for when a reportable electioneering  
23 expenditure occurs; requires ECOs to register within 24 hours  
24 after they organize or, if later, within 24 hours after it  
25 anticipates receiving contributions or making expenditures for  
26 the purpose of electioneering; creates special reporting  
27 requirements for ECOs; prohibits an ECO from accepting a  
28 contribution from certain tax-exempt, federal organizations,  
29 unless certain conditions are met; prohibits statewide  
30 officers, legislative members, and candidates for these  
31 offices from directly or indirectly soliciting, causing to be  
solicited, or accepting any contribution on behalf of certain  
entities and organizations, with exceptions; requires  
political committees and ECOs to register using a street  
address for the organization, its affiliated organizations,  
and its principal officers; clarifies that "direct mail" is a  
"communications media" for purposes of Chapter 106; revises  
definitions; provides penalties; incorporates cross-referenced  
sections.