

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

590-2468-06

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. 106.022, F.S.;

9           conforming a reference to an electioneering

10          communications organization; amending s.

11          106.03, F.S.; revising the registration

12          requirements for political committees and

13          electioneering communications organizations;

14          creating s. 106.0701; establishing campaign

15          finance reporting requirements for certain

16          officers and candidates soliciting

17          contributions for certain committees and

18          organizations; providing penalties; creating s.

19          106.0703, F.S.; establishing campaign finance

20          reporting requirements for electioneering

21          communications organizations; amending s.

22          106.0705, F.S.; incorporating the new campaign

23          finance reporting requirements for

24          electioneering communications organizations

25          into the Department of State's electronic

26          campaign finance reporting system; amending s.

27          106.08, F.S.; prohibiting the use of certain

28          contributions received by an electioneering

29          communications organization proximate to an

30          election; limiting contributions to certain

31          committees of continuous existence,

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 electioneering communications organizations,  
2 and tax-exempt organizations pursuant to 26  
3 U.S.C. s. 527 and 501(c)(4); reenacting ss.  
4 106.07, 106.08(8), and 106.19, F.S., relating  
5 to reports, certification and filing, and  
6 penalty provisions, to incorporate the  
7 amendments made by this act to ss. 106.03 and  
8 106.08, F.S., in references thereto; providing  
9 effective dates.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

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

16 106.011 Definitions.--As used in this chapter, the  
17 following terms have the following meanings unless the context  
18 clearly indicates otherwise:

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

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

23 a. Accepts contributions for the purpose of making  
24 contributions to any candidate, political committee, committee  
25 of continuous existence, or political party;

26 b. Accepts contributions for the purpose of expressly  
27 advocating the election or defeat of a candidate or the  
28 passage or defeat of an issue;

29 c. Makes expenditures that expressly advocate the  
30 election or defeat of a candidate or the passage or defeat of  
31 an issue; or

1           d. Makes contributions to a common fund, other than a  
2 joint checking account between spouses, from which  
3 contributions are made to any candidate, political committee,  
4 committee of continuous existence, or political party;

5           2. The sponsor of a proposed constitutional amendment  
6 by initiative who intends to seek the signatures of registered  
7 electors.

8           (b) Notwithstanding paragraph (a), the following  
9 entities are not considered political committees for purposes  
10 of this chapter:

11           1. Organizations which are certified by the Department  
12 of State as committees of continuous existence pursuant to s.  
13 106.04, national political parties, and the state and county  
14 executive committees of political parties regulated by chapter  
15 103.

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

24           3. Electioneering communications organizations as  
25 defined in subsection (19) ~~Organizations whose activities are~~  
26 ~~limited to making expenditures for electioneering~~  
27 ~~communications or accepting contributions for the purpose of~~  
28 ~~making electioneering communications~~; however, such  
29 organizations shall be required to register with and report  
30 expenditures and contributions, including contributions ~~those~~  
31 received from committees of continuous existence, to the

1 ~~Division of Elections and expenditures~~ in the same manner, at  
2 the same time, and subject to the same penalties, ~~and with the~~  
3 ~~same filing officer~~ as a political committee supporting or  
4 opposing an issue or a legislative ~~a~~ candidate, except as  
5 otherwise specifically provided in this chapter ~~or issue~~  
6 ~~contained in the electioneering communication. If any such~~  
7 ~~organization would be required to register and report with~~  
8 ~~more than one filing officer, the organization shall register~~  
9 ~~and report solely with the Division of Elections.~~

10 (3) "Contribution" means:

11 (a) A gift, subscription, conveyance, deposit, loan,  
12 payment, or distribution of money or anything of value,  
13 including contributions in kind having an attributable  
14 monetary value in any form, made for the purpose of  
15 influencing the results of an election or making an  
16 electioneering communication.

17 (b) A transfer of funds between political committees,  
18 between committees of continuous existence, between  
19 electioneering communications organizations, or between any  
20 combination of these groups ~~or between a political committee~~  
21 ~~and a committee of continuous existence.~~

22 (c) The payment, by any person other than a candidate  
23 or political committee, of compensation for the personal  
24 services of another person which are rendered to a candidate  
25 or political committee without charge to the candidate or  
26 committee for such services.

27 (d) The transfer of funds by a campaign treasurer or  
28 deputy campaign treasurer between a primary depository and a  
29 separate interest-bearing account or certificate of deposit,  
30 and the term includes any interest earned on such account or  
31 certificate.

1  
2 Notwithstanding the foregoing meanings of "contribution," the  
3 word shall not be construed to include services, including,  
4 but not limited to, legal and accounting services, provided  
5 without compensation by individuals volunteering a portion or  
6 all of their time on behalf of a candidate or political  
7 committee. This definition shall not be construed to include  
8 editorial endorsements.

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

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

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

31

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

4           3. The electioneering communication is publicly  
5 disseminated.

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

22           (18)(a) "Electioneering communication" means a paid  
23 expression in any communications media prescribed in  
24 subsection (13) by means other than the spoken word in direct  
25 conversation that:

26           1. Refers to or depicts a clearly identified candidate  
27 for office or contains a clear reference indicating that an  
28 issue is to be voted on at an election, without expressly  
29 advocating the election or defeat of a candidate or the  
30 passage or defeat of an issue.

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1           2. For communications referring to or depicting a  
2 clearly identified candidate for office, is targeted to the  
3 relevant electorate. A communication is considered targeted if  
4 1,000 or more persons in the geographic area the candidate  
5 would represent if elected will receive the communication.

6           3. ~~For communications referring to or depicting a~~  
7 ~~clearly identified candidate for office, is published after~~  
8 ~~the end of the candidate qualifying period for the office~~  
9 ~~sought by the candidate.~~

10           4. For communications containing a clear reference  
11 indicating that an issue is to be voted on at an election, is  
12 published after the issue is designated a ballot position or  
13 120 days before the date of the election on the issue,  
14 whichever occurs first.

15           (b) The term "electioneering communication" does not  
16 include:

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

23           2. An editorial endorsement, news story, commentary,  
24 or editorial by any newspaper, radio, television station, or  
25 other recognized news medium.

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

1 a. The staging organization is either:

2 (I) A charitable organization that does not make other  
3 electioneering communications and does not otherwise support  
4 or oppose any political candidate or political party; or

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

7 b. The staging organization does not structure the  
8 debate to promote or advance one candidate or issue position  
9 over another.

10 (c) For purposes of this chapter, an expenditure made  
11 for, or in furtherance of, an electioneering communication  
12 shall not be considered a contribution to or on behalf of any  
13 candidate.

14 (d) For purposes of this chapter, an electioneering  
15 communication shall not constitute an independent expenditure  
16 nor be subject to the limitations applicable to independent  
17 expenditures.

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

24 Section 2. Subsection (1) of section 106.022, Florida  
25 Statutes, is amended to read:

26 106.022 Appointment of a registered agent; duties.--

27 (1) Each political committee, committee of continuous  
28 existence, or electioneering communications organization  
29 ~~entity~~ shall have and continuously maintain in this state a  
30 registered office and a registered agent and must file with  
31 the division a statement of appointment for the registered



1 office and registered agent. The statement of appointment  
2 must:

3 (a) Provide the name of the registered agent and the  
4 street address and phone number for the registered office;

5 (b) Identify the entity for whom the registered agent  
6 serves;

7 (c) Designate the address the registered agent wishes  
8 to use to receive mail;

9 (d) Include the entity's undertaking to inform the  
10 division of any change in such designated address;

11 (e) Provide for the registered agent's acceptance of  
12 the appointment, which must confirm that the registered agent  
13 is familiar with and accepts the obligations of the position  
14 as set forth in this section; and

15 (f) Contain the signature of the registered agent and  
16 the entity engaging the registered agent.

17 Section 3. Section 106.03, Florida Statutes, is  
18 amended to read:

19 106.03 Registration of political committees.--

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

1 immediately file the statement of organization required by  
2 this section.

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

11           (2) The statement of organization shall include:

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

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

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

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

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

21           (f) The name, address, office sought, and party  
22 affiliation of:

23           1. Each candidate whom the committee is supporting;

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

27           (g) Any issue or issues such organization is  
28 supporting or opposing;

29           (h) If the committee is supporting the entire ticket  
30 of any party, a statement to that effect and the name of the  
31 party;

1 (i) A statement of whether the committee is a  
2 continuing one;

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

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

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

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

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

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

27 (d) Any political committee which would be required  
28 under this subsection to file a statement of organization in  
29 two or more locations by reason of the committee's intention  
30 to support or oppose candidates or issues at state or  
31

1 multicounty and local levels of government need file only with  
2 the Division of Elections.

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

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

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

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

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

30 (b) Adequate opportunity to respond.

31

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

4 Section 4. Section 106.0701, Florida Statutes, is  
5 created to read:

6 106.0701 Statewide and legislative officer's and  
7 candidate's solicitation of contributions; reporting  
8 requirements.--

9 (1) The Governor, the Lieutenant Governor, a member of  
10 the Cabinet, a state legislator, or a candidate for any of  
11 these offices that solicits or causes to be solicited a  
12 contribution for a committee of continuous existence,  
13 electioneering communications organization, organization  
14 exempt from taxation under 26 U.S.C. s. 527 other than a  
15 political party, or an organization exempt from taxation under  
16 26 U.S.C. s. 501(c)(4) shall, within 48 hours of such  
17 solicitation, file a statement with the division pursuant to  
18 s. 106.0705. The statement shall contain the following  
19 information:

20 (a) The name, street address, and office held or  
21 sought of the officer or candidate making or causing the  
22 solicitation to be made.

23 (b) The date the solicitation was made.

24 (c) The name, street address, and type of organization  
25 for whom the solicitation was made.

26 (d) A description of the relationship between the  
27 officer or candidate and the organization for whom the  
28 solicitation was made.

29 (2) If an officer or candidate has not been issued a  
30 secure sign-on to the division's electronic reporting system  
31 pursuant to s. 106.0705, the officer or candidate making the

1 solicitation or causing the solicitation to be made shall,  
2 within 24 hours of the solicitation, request one from the  
3 division and file a report of the solicitation within 48 hours  
4 after receiving the sign-on.

5 (3) Any officer or employee who fails to timely file a  
6 solicitation report required by this section shall be subject  
7 to the penalties for late-filed campaign finance reports  
8 pursuant to s. 106.07(8).

9 Section 5. Section 106.0703, Florida Statutes, is  
10 created to read:

11 106.0703 Electioneering communications organizations;  
12 additional reporting requirements.--

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

22 (2) In addition to the reporting requirements in s.  
23 106.07, an electioneering communications organization shall  
24 electronically file a supplemental report of each contribution  
25 of \$5,000 or more received by the organization within 2 days  
26 after receipt. The supplemental report must include the  
27 information required in s. 106.07(4)(a)1.-5. The  
28 electioneering communications organization shall not include  
29 each contribution reported pursuant to this subsection on the  
30 quarterly or periodic campaign finance report pursuant to s.  
31

1 106.07 for the reporting period in which the contribution was  
2 received.

3 Section 6. Section 106.0705, Florida Statutes, is  
4 amended to read:

5 106.0705 Electronic filing of campaign treasurer's  
6 reports.--

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

10 (2)(a) Each candidate who is required to file reports  
11 pursuant to s. 106.07 with the division must file such reports  
12 with the division by means of the division's electronic filing  
13 system.

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

20 (c) Each person or organization that is required to  
21 file reports with the division under s. 106.071 must file such  
22 reports with the division by means of the division's  
23 electronic filing system.

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

30 (4) Each report filed pursuant to this section is  
31 considered to be under oath by the candidate and treasurer or

1 | the chair and treasurer, whichever is applicable, and such  
2 | persons are subject to the provisions of s. 106.04(4)(d), s.  
3 | 106.07(5), or s. 106.29(2), as applicable. Persons given a  
4 | secure sign-on to the electronic filing system are responsible  
5 | for protecting such from disclosure and are responsible for  
6 | all filings using such credentials, unless they have notified  
7 | the division that their credentials have been compromised.

8 |         (5) The electronic filing system developed by the  
9 | division must:

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

11 |             (b) Be accessible by anyone with Internet access using  
12 | standard web-browsing software.

13 |             (c) Provide for direct entry of campaign finance  
14 | information as well as upload of such information from  
15 | campaign finance software certified by the division.

16 |             (d) Provide a method that prevents unauthorized access  
17 | to electronic filing system functions.

18 |         (6) The division shall adopt rules pursuant to ss.  
19 | 120.536(1) and 120.54 to administer this section and provide  
20 | for the reports required to be filed pursuant to this section.  
21 | Such rules shall, at a minimum, provide:

22 |             (a) Alternate filing procedures in case the division's  
23 | electronic filing system is not operable.

24 |             (b) For the issuance of an electronic receipt to the  
25 | person submitting the report indicating and verifying that the  
26 | report has been filed.

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



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

4           106.08 Contributions; limitations on.--

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

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

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

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

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

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

28           (d)1. Committees of continuous existence,  
29 electioneering communications organizations, organizations  
30 exempt from taxation under 26 U.S.C. s. 527 other than a  
31 political party, and organizations exempt from taxation under

1 26 U.S.C. s. 501(c)(4) shall not, in any election, accept  
2 contributions in excess of \$500 from an individual or group  
3 if, during the current election period ending on the date of  
4 the next general election, the committee or organization  
5 directly or indirectly through one or more intermediaries:  
6       a. Reimburses or pays for any expenses of the  
7 Governor, the Lieutenant Governor, a member of the Cabinet, a  
8 state legislator, a candidate for any of these offices, an  
9 employee or agent of the officer or candidate, or a member of  
10 the officer's or candidate's immediate family.  
11       b. Is, in whole or in part, established, organized,  
12 operated, or controlled by the Governor, the Lieutenant  
13 Governor, a member of the Cabinet, a state legislator, a  
14 candidate for any of these offices, an employee or agent of  
15 the officer or candidate, or a member of the officer's or  
16 candidate's immediate family, provided the committee or  
17 organization directly or indirectly makes or has made a  
18 contribution to, or an expenditure for the benefit of, the  
19 officer's or candidate's campaign for publicly-elected office.  
20       c. Knowingly receives contributions solicited by,  
21 caused to be solicited by, or accepted on behalf of the  
22 committee or organization by the Governor, the Lieutenant  
23 Governor, a member of the Cabinet, a state legislator, a  
24 candidate for any of these offices, an employee or agent of  
25 the officer or candidate, or a member of the officer's or  
26 candidate's immediate family, provided the committee or  
27 organization directly or indirectly makes or has made a  
28 contribution to, or an expenditure for the benefit of, the  
29 officer's or candidate's campaign for publicly-elected office  
30 in an amount exceeding \$500 in the aggregate in any election.  
31

1           2. For purposes of this paragraph, "immediate family"  
2 means the spouse, parent, child, grandparent, or sibling of  
3 the officer or candidate.

4           3. Notwithstanding the limits provided in this  
5 paragraph, a committee or organization that is subject to the  
6 \$500 contribution limit in subparagraph 1. shall not accept a  
7 contribution in excess of \$100 from an unemancipated child  
8 under the age of 18.

9           4. The contribution limits of this paragraph apply to  
10 each election. For purposes of this paragraph, the primary  
11 election and the general election are separate elections so  
12 long as the candidate that the committee or organization  
13 supports or opposes, or who is referred to or depicted in the  
14 committee's or organization's electioneering communications,  
15 is not an unopposed candidate as defined in s. 106.011(15).  
16 However, for the purpose of contribution limits with respect  
17 to committees and organizations supporting or opposing only  
18 candidates for retention as a justice or judge, or referring  
19 to or depicting only candidates for retention as a justice or  
20 judge in the committee's or organization's electioneering  
21 communications, there is only one election, which is the  
22 general election.

23           (7)(a) Any person who knowingly and willfully makes,  
24 solicits, or accepts no more than one contribution in  
25 violation of subsection (1) or subsection (5), or any person  
26 who knowingly and willfully fails or refuses to return any  
27 contribution as required in subsection (3), commits a  
28 misdemeanor of the first degree, punishable as provided in s.  
29 775.082 or s. 775.083. If any corporation, partnership, or  
30 other business entity or any political party, political  
31 committee, or committee of continuous existence is convicted

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

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

1 commits a felony of the third degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

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

7 106.08 Contributions; limitations on.--

8 (4)(a) Any contribution received by the chair,  
9 campaign treasurer, or deputy campaign treasurer of a  
10 political committee supporting or opposing a candidate with  
11 opposition in an election or supporting or opposing an issue  
12 on the ballot in an election on the day of that election or  
13 less than 5 days prior to the day of that election may not be  
14 obligated or expended by the committee until after the date of  
15 the election.

16 (b) Any contribution received by an electioneering  
17 communications organization on the day of an election or less  
18 than 10 days prior to the day of that election may not be  
19 obligated or expended by the organization until after the date  
20 of the election, and may not be expended to pay for any  
21 obligation arising prior to the election.

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

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

29 (c) Candidates, political committees, and political  
30 parties may not make contributions, in exchange for political  
31 support, to any religious, charitable, civic, or other cause

1 or organization established primarily for the public good. It  
2 is not a violation of this paragraph for:

3 1. A candidate, political committee, or political  
4 party executive committee to make gifts of money in lieu of  
5 flowers in memory of a deceased person;

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

11 3. A candidate to purchase, with campaign funds,  
12 tickets, admission to events, or advertisements from  
13 religious, civic, political party, or charitable groups.

14 (d)1. Committees of continuous existence,  
15 electioneering communications organizations, organizations  
16 exempt from taxation under 26 U.S.C. s. 527 other than a  
17 political party, and organizations exempt from taxation under  
18 26 U.S.C. s. 501(c)(4) shall not, in any election, accept  
19 contributions in excess of \$500 from an individual or group  
20 if, during the current election period ending on the date of  
21 the next general election, the committee or organization  
22 directly or indirectly through one or more intermediaries:

23 a. Reimburses or pays for any expenses of the  
24 Governor, the Lieutenant Governor, a member of the Cabinet, a  
25 state legislator, a candidate for any of these offices, an  
26 employee or agent of the officer or candidate, or a member of  
27 the officer's or candidate's immediate family.

28 b. Is, in whole or in part, established, organized,  
29 operated, or controlled by the Governor, the Lieutenant  
30 Governor, a member of the Cabinet, a state legislator, a  
31 candidate for any of these offices, an employee or agent of

1 the officer or candidate, or a member of the officer's or  
2 candidate's immediate family, provided the committee or  
3 organization directly or indirectly makes or has made a  
4 contribution to, or an expenditure for the benefit of, the  
5 officer's or candidate's campaign for publicly-elected office.

6 c. Knowingly receives contributions solicited by,  
7 caused to be solicited by, or accepted on behalf of the  
8 committee or organization by the Governor, the Lieutenant  
9 Governor, a member of the Cabinet, a state legislator, a  
10 candidate for any of these offices, an employee or agent of  
11 the officer or candidate, or a member of the officer's or  
12 candidate's immediate family, provided the committee or  
13 organization directly or indirectly makes or has made a  
14 contribution to, or an expenditure for the benefit of, the  
15 officer's or candidate's campaign for publicly-elected office  
16 in an amount exceeding \$500 in the aggregate in any election.

17 2. For purposes of this paragraph, "immediate family"  
18 means the spouse, parent, child, grandparent, or sibling of  
19 the officer or candidate.

20 3. Notwithstanding the limits provided in this  
21 paragraph, a committee or organization that is subject to the  
22 \$500 contribution limit in subparagraph 1. shall not accept a  
23 contribution in excess of \$100 from an unemancipated child  
24 under the age of 18.

25 4. The contribution limits of this paragraph apply to  
26 each election. For purposes of this paragraph, the primary  
27 election and the general election are separate elections so  
28 long as the candidate that the committee or organization  
29 supports or opposes, or who is referred to or depicted in the  
30 committee's or organization's electioneering communications,  
31 is not an unopposed candidate as defined in s. 106.011(15).

1 However, for the purpose of contribution limits with respect  
2 to committees and organizations supporting or opposing only  
3 candidates for retention as a justice or judge, or referring  
4 to or depicting only candidates for retention as a justice or  
5 judge in the committee's or organization's electioneering  
6 communications, there is only one election, which is the  
7 general election.

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

17 (7)(a) Any person who knowingly and willfully makes,  
18 solicits, or accepts no more than one contribution in  
19 violation of subsection (1) or subsection (5), or any person  
20 who knowingly and willfully fails or refuses to return any  
21 contribution as required in subsection (3), commits a  
22 misdemeanor of the first degree, punishable as provided in s.  
23 775.082 or s. 775.083. If any corporation, partnership, or  
24 other business entity or any political party, political  
25 committee, ~~or~~ committee of continuous existence, or  
26 electioneering communications organization is convicted of  
27 knowingly and willfully violating any provision punishable  
28 under this paragraph, it shall be fined not less than \$1,000  
29 and not more than \$10,000. If it is a domestic entity, it may  
30 be ordered dissolved by a court of competent jurisdiction; if  
31 it is a foreign or nonresident business entity, its right to



1 do business in this state may be forfeited. Any officer,  
2 partner, agent, attorney, or other representative of a  
3 corporation, partnership, or other business entity or of a  
4 political party, political committee, ~~or~~ committee of  
5 continuous existence, electioneering communications  
6 organization, or organization exempt from taxation under 26  
7 U.S.C. s. 527 or s. 501(c)(4), who aids, abets, advises, or  
8 participates in a violation of any provision punishable under  
9 this paragraph commits a misdemeanor of the first degree,  
10 punishable as provided in s. 775.082 or s. 775.083.

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

1 commits a felony of the third degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

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

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

15 106.07 Reports; certification and filing.--

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

30 (a) Except as provided in paragraph (b), following the  
31 last day of qualifying for office, the reports shall be filed

1 on the 32nd, 18th, and 4th days immediately preceding the  
2 primary and on the 46th, 32nd, 18th, and 4th days immediately  
3 preceding the election, for a candidate who is opposed in  
4 seeking nomination or election to any office, for a political  
5 committee, or for a committee of continuous existence.

6 (b) Following the last day of qualifying for office,  
7 any statewide candidate who has requested to receive  
8 contributions from the Election Campaign Financing Trust Fund  
9 or any statewide candidate in a race with a candidate who has  
10 requested to receive contributions from the trust fund shall  
11 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior  
12 to the primary election, and on the 4th, 11th, 18th, 25th,  
13 32nd, 39th, 46th, and 53rd days prior to the general election.

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

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

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

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 10. 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 11. 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.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                   CS for Senate Bills 716 & 2660

4 The committee substitute makes the following changes to the  
5 committee substitute for the underlying bill:

- 6 -- Revises provisions relating to reporting for an  
7 electioneering communications organization (ECO) to  
8 require an ECO to report its expenditures as well as  
9 contributions it receives to the Division of Elections;
- 10 -- Clarifies that an ECO that fails to report expenditures  
11 or contributions is subject to the same penalties as a  
12 political committee supporting or opposing an issue or a  
13 legislative candidate;
- 14 -- Replaces the word "entity" with "organization" in an  
15 existing statute to conform to the bill's creation of a  
16 definition for "electioneering communications  
17 organization";
- 18 -- Provides reporting requirements for statewide and  
19 legislative officer's and candidate's solicitation of  
20 contributions for committees of continuous existence,  
21 ECOs, or certain organizations exempt from taxation under  
22 federal law;
- 23 -- Replaces the word "also" with "not" to correct a  
24 scrivener's error that would have required double  
25 reporting of certain contributions;
- 26 -- Removes provision proposed in the legislation that would  
27 have prohibited officeholders or candidates from  
28 soliciting, causing to be solicited, or accepting  
29 donations for certain organizations;
- 30 -- Adds provision that prohibits certain organizations from  
31 accepting contributions in excess of \$500 when certain  
conditions are present;
- Describes "immediate family" for purposes of restricted  
contributions to certain organizations and limits minor's  
contributions to these organizations to \$100; and
- Makes technical and conforming changes throughout.