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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 amending s. 106.04, F.S.; revising certain
15 filing requirements and reporting requirements
16 for committees of continuous existence;
17 amending s. 106.07, F.S.; deleting a report
18 filing requirement for certain candidates for
19 other than statewide office; creating s.
20 106.0701, F.S.; establishing campaign finance
21 reporting requirements for certain officers and
22 candidates soliciting contributions on behalf
23 of s. 527 or s. 501(c)(4) organizations;
24 providing a civil penalty; providing for
25 nonapplication to certain persons; creating s.
26 106.0703, F.S.; establishing campaign finance
27 reporting requirements for electioneering
28 communications organizations; amending s.
29 106.0705, F.S.; incorporating the new campaign
30 finance reporting requirements for
31 electioneering communications organizations

1 into the Department of State's electronic
2 campaign finance reporting system; amending s.
3 106.08, F.S.; prohibiting the use of certain
4 contributions received by an electioneering
5 communications organization proximate to an
6 election; limiting certain contributions to
7 electioneering communications organizations
8 from certain tax-exempt organizations;
9 providing criminal penalties; reenacting ss.
10 106.07, 106.08(8), and 106.19, F.S., relating
11 to reports, certification and filing, and
12 penalty provisions, to incorporate the
13 amendments made by this act to ss. 106.03 and
14 106.08, F.S., in references thereto; providing
15 effective dates.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

22 106.011 Definitions.--As used in this chapter, the
23 following terms have the following meanings unless the context
24 clearly indicates otherwise:

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

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

29 a. Accepts contributions for the purpose of making
30 contributions to any candidate, political committee, committee
31 of continuous existence, or political party;

1 b. Accepts contributions for the purpose of expressly
2 advocating the election or defeat of a candidate or the
3 passage or defeat of an issue;

4 c. Makes expenditures that expressly advocate the
5 election or defeat of a candidate or the passage or defeat of
6 an issue; or

7 d. Makes contributions to a common fund, other than a
8 joint checking account between spouses, from which
9 contributions are made to any candidate, political committee,
10 committee of continuous existence, or political party;

11 2. The sponsor of a proposed constitutional amendment
12 by initiative who intends to seek the signatures of registered
13 electors.

14 (b) Notwithstanding paragraph (a), the following
15 entities are not considered political committees for purposes
16 of this chapter:

17 1. Organizations which are certified by the Department
18 of State as committees of continuous existence pursuant to s.
19 106.04, national political parties, and the state and county
20 executive committees of political parties regulated by chapter
21 103.

22 2. Corporations regulated by chapter 607 or chapter
23 617 or other business entities formed for purposes other than
24 to support or oppose issues or candidates, if their political
25 activities are limited to contributions to candidates,
26 political parties, or political committees or expenditures in
27 support of or opposition to an issue from corporate or
28 business funds and if no contributions are received by such
29 corporations or business entities.

30 3. Electioneering communications organizations as
31 defined in subsection (19) ~~Organizations whose activities are~~

1 ~~limited to making expenditures for electioneering~~
2 ~~communications or accepting contributions for the purpose of~~
3 ~~making electioneering communications;~~ however, such
4 organizations shall be required to register with and report
5 expenditures and contributions, including contributions ~~those~~
6 received from committees of continuous existence, to the
7 Division of Elections ~~and expenditures~~ in the same manner, at
8 the same time, and subject to the same penalties, ~~and with the~~
9 ~~same filing officer~~ as a political committee supporting or
10 opposing an issue or a legislative ~~a~~ candidate, except as
11 otherwise specifically provided in this chapter ~~or issue~~
12 ~~contained in the electioneering communication. If any such~~
13 ~~organization would be required to register and report with~~
14 ~~more than one filing officer, the organization shall register~~
15 ~~and report solely with the Division of Elections.~~

16 (3) "Contribution" means:

17 (a) A gift, subscription, conveyance, deposit, loan,
18 payment, or distribution of money or anything of value,
19 including contributions in kind having an attributable
20 monetary value in any form, made for the purpose of
21 influencing the results of an election or making an
22 electioneering communication.

23 (b) A transfer of funds between political committees,
24 between committees of continuous existence, between
25 electioneering communications organizations, or between any
26 combination of these groups ~~or between a political committee~~
27 ~~and a committee of continuous existence.~~

28 (c) The payment, by any person other than a candidate
29 or political committee, of compensation for the personal
30 services of another person which are rendered to a candidate
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1 or political committee without charge to the candidate or
2 committee for such services.

3 (d) The transfer of funds by a campaign treasurer or
4 deputy campaign treasurer between a primary depository and a
5 separate interest-bearing account or certificate of deposit,
6 and the term includes any interest earned on such account or
7 certificate.

8
9 Notwithstanding the foregoing meanings of "contribution," the
10 word shall not be construed to include services, including,
11 but not limited to, legal and accounting services, provided
12 without compensation by individuals volunteering a portion or
13 all of their time on behalf of a candidate or political
14 committee. This definition shall not be construed to include
15 editorial endorsements.

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

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

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

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

11 3. The electioneering communication is publicly
12 disseminated.

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

29 (18)(a) "Electioneering communication" means a paid
30 expression in any communications media prescribed in
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1 subsection (13) by means other than the spoken word in direct
2 conversation that:

3 1. Refers to or depicts a clearly identified candidate
4 for office or contains a clear reference indicating that an
5 issue is to be voted on at an election, without expressly
6 advocating the election or defeat of a candidate or the
7 passage or defeat of an issue.

8 2. For communications referring to or depicting a
9 clearly identified candidate for office, is targeted to the
10 relevant electorate. A communication is considered targeted if
11 1,000 or more persons in the geographic area the candidate
12 would represent if elected will receive the communication.

13 3. ~~For communications referring to or depicting a~~
14 ~~clearly identified candidate for office, is published after~~
15 ~~the end of the candidate qualifying period for the office~~
16 ~~sought by the candidate.~~

17 4. For communications containing a clear reference
18 indicating that an issue is to be voted on at an election, is
19 published after the issue is designated a ballot position or
20 120 days before the date of the election on the issue,
21 whichever occurs first.

22 (b) The term "electioneering communication" does not
23 include:

24 1. A statement or depiction by an organization, in
25 existence prior to the time during which a candidate named or
26 depicted qualifies or an issue identified is placed on the
27 ballot for that election, made in that organization's
28 newsletter, which newsletter is distributed only to members of
29 that organization.

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1 2. An editorial endorsement, news story, commentary,
2 or editorial by any newspaper, radio, television station, or
3 other recognized news medium.

4 3. A communication that constitutes a public debate or
5 forum that includes at least two opposing candidates for an
6 office or one advocate and one opponent of an issue, or that
7 solely promotes such a debate or forum and is made by or on
8 behalf of the person sponsoring the debate or forum, provided
9 that:

10 a. The staging organization is either:

11 (I) A charitable organization that does not make other
12 electioneering communications and does not otherwise support
13 or oppose any political candidate or political party; or

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

16 b. The staging organization does not structure the
17 debate to promote or advance one candidate or issue position
18 over another.

19 (c) For purposes of this chapter, an expenditure made
20 for, or in furtherance of, an electioneering communication
21 shall not be considered a contribution to or on behalf of any
22 candidate.

23 (d) For purposes of this chapter, an electioneering
24 communication shall not constitute an independent expenditure
25 nor be subject to the limitations applicable to independent
26 expenditures.

27 ~~(19) "Electioneering communications organization"~~
28 ~~means any group, other than a political party, political~~
29 ~~committee, or committee of continuous existence, whose~~
30 ~~activities are limited to making expenditures for~~
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1 electioneering communications or accepting contributions for
2 the purpose of making electioneering communications.

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

5 106.022 Appointment of a registered agent; duties.--

6 (1) Each political committee, committee of continuous
7 existence, or electioneering communications organization
8 ~~entity~~ shall have and continuously maintain in this state a
9 registered office and a registered agent and must file with
10 the division a statement of appointment for the registered
11 office and registered agent. The statement of appointment
12 must:

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

15 (b) Identify the entity for whom the registered agent
16 serves;

17 (c) Designate the address the registered agent wishes
18 to use to receive mail;

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

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

25 (f) Contain the signature of the registered agent and
26 the entity engaging the registered agent.

27 Section 3. Section 106.03, Florida Statutes, is
28 amended to read:

29 106.03 Registration of political committees.--

30 (1) ~~(a)~~ Each political committee ~~that which~~ anticipates
31 receiving contributions or making expenditures during a

1 | calendar year in an aggregate amount exceeding \$500 or that
2 | ~~which~~ is seeking the signatures of registered electors in
3 | support of an initiative shall file a statement of
4 | organization as provided in subsection (3) within 10 days
5 | after its organization or, if later, within 10 days after the
6 | date on which it has information that ~~which~~ causes the
7 | committee to anticipate that it will receive contributions or
8 | make expenditures in excess of \$500. If a political committee
9 | is organized within 10 days of any election, it shall
10 | immediately file the statement of organization required by
11 | this section.

12 | **(b) Each electioneering communications organization**
13 | **that anticipates receiving contributions or making**
14 | **expenditures shall file a statement of organization as**
15 | **provided in subsection (3) by expedited delivery within 24**
16 | **hours after its organization or, if later, within 24 hours**
17 | **after the date on which it has information that causes the**
18 | **organization to anticipate that it will receive contributions**
19 | **or make expenditures for an electioneering communication.**

20 | (2) The statement of organization shall include:

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

22 | (b) The names, street addresses, and relationships of
23 | affiliated or connected organizations;

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

25 | (d) The name, street address, and position of the
26 | custodian of books and accounts;

27 | (e) The name, street address, and position of other
28 | principal officers, including officers and members of the
29 | finance committee, if any;

30 | (f) The name, address, office sought, and party
31 | affiliation of:

- 1 1. Each candidate whom the committee is supporting;
- 2 2. Any other individual, if any, whom the committee is
- 3 supporting for nomination for election, or election, to any
- 4 public office whatever;
- 5 (g) Any issue or issues such organization is
- 6 supporting or opposing;
- 7 (h) If the committee is supporting the entire ticket
- 8 of any party, a statement to that effect and the name of the
- 9 party;
- 10 (i) A statement of whether the committee is a
- 11 continuing one;
- 12 (j) Plans for the disposition of residual funds which
- 13 will be made in the event of dissolution;
- 14 (k) A listing of all banks, safe-deposit boxes, or
- 15 other depositories used for committee funds; and
- 16 (l) A statement of the reports required to be filed by
- 17 the committee with federal officials, if any, and the names,
- 18 addresses, and positions of such officials.
- 19 (3)(a) A political committee which is organized to
- 20 support or oppose statewide, legislative, or multicounty
- 21 candidates or issues to be voted upon on a statewide or
- 22 multicounty basis shall file a statement of organization with
- 23 the Division of Elections.
- 24 (b) Except as provided in paragraph (c), a political
- 25 committee which is organized to support or oppose candidates
- 26 or issues to be voted on in a countywide election or
- 27 candidates or issues in any election held on less than a
- 28 countywide basis shall file a statement of organization with
- 29 the supervisor of elections of the county in which such
- 30 election is being held.
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1 (c) A political committee which is organized to
2 support or oppose only candidates for municipal office or
3 issues to be voted on in a municipal election shall file a
4 statement of organization with the officer before whom
5 municipal candidates qualify.

6 (d) Any political committee which would be required
7 under this subsection to file a statement of organization in
8 two or more locations by reason of the committee's intention
9 to support or oppose candidates or issues at state or
10 multicounty and local levels of government need file only with
11 the Division of Elections.

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

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

23 (6) If the filing officer finds that a political
24 committee has filed its statement of organization consistent
25 with the requirements of subsection (2), it shall notify the
26 committee in writing that it has been registered as a
27 political committee. If the filing officer finds that a
28 political committee's statement of organization does not meet
29 the requirements of subsection (2), it shall notify the
30 committee of such finding and shall state in writing the
31 reasons for rejection of the statement of organization.

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

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

8 (b) Adequate opportunity to respond.

9 (c) Appeal of the decision to the Florida Elections
10 Commission. Such appeals shall be exempt from the
11 confidentiality provisions of s. 106.25.

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

14 106.04 Committees of continuous existence.--

15 (4)

16 (c) All committees of continuous existence shall file
17 ~~the original and one copy of their reports with the Division~~
18 ~~of Elections. In addition, a duplicate copy of each report~~
19 ~~shall be filed with the supervisor of elections in the county~~
20 ~~in which the committee maintains its books and records, except~~
21 ~~that if the filing officer to whom the committee is required~~
22 ~~to report is located in the same county as the supervisor no~~
23 ~~such duplicate report is required to be filed with the~~
24 ~~supervisor.~~ Reports shall be filed in accordance with s.
25 106.0705 ~~on forms provided by the division~~ and shall contain
26 the following information:

27 1. The full name, address, and occupation of each
28 person who has made one or more contributions, including
29 contributions that represent the payment of membership dues,
30 to the committee during the reporting period, together with
31 the amounts and dates of such contributions. For corporations,

1 the report must provide as clear a description as practicable
2 of the principal type of business conducted by the
3 corporation. However, if the contribution is \$100 or less, the
4 occupation of the contributor or principal type of business
5 need not be listed. However, for any contributions that
6 represent the payment of dues by members in a fixed amount
7 aggregating no more than \$250 per calendar year, pursuant to
8 the schedule on file with the Division of Elections, only the
9 aggregate amount of such contributions need be listed,
10 together with the number of members paying such dues and the
11 amount of the membership dues.

12 2. The name and address of each political committee or
13 committee of continuous existence from which the reporting
14 committee received, or the name and address of each political
15 committee, committee of continuous existence, or political
16 party to which it made, any transfer of funds, together with
17 the amounts and dates of all transfers.

18 3. Any other receipt of funds not listed pursuant to
19 subparagraph 1. or subparagraph 2., including the sources and
20 amounts of all such funds.

21 4. The name and address of, and office sought by, each
22 candidate to whom the committee has made a contribution during
23 the reporting period, together with the amount and date of
24 each contribution.

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

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1 6. The full name and address of each person to whom an
2 expenditure for personal services, salary, or reimbursement
3 for authorized expenses has been made, including the full name
4 and address of each entity to whom the person made payment for
5 which reimbursement was made by check drawn upon the committee
6 account, together with the amount and purpose of such payment.

7 7. Transaction information from each credit card
8 statement that will be included in the next report following
9 receipt thereof by the committee. Receipts for each credit
10 card purchase shall be retained by the treasurer with the
11 records for the committee account.

12 ~~8.6.~~ The total sum of expenditures made by the
13 committee during the reporting period.

14 Section 5. Paragraph (a) of subsection (2) of section
15 106.07, Florida Statutes, is amended to read:

16 106.07 Reports; certification and filing.--

17 (2)(a) All reports required of a candidate by this
18 section shall be filed with the officer before whom the
19 candidate is required by law to qualify. All candidates who
20 file with the Department of State shall file their reports
21 pursuant to s. 106.0705. ~~In addition, a copy of each report~~
22 ~~for candidates for other than statewide office who qualify~~
23 ~~with the Department of State shall be filed with the~~
24 ~~supervisor of elections in the county where the candidate~~
25 ~~resides.~~ Except as provided in s. 106.0705, reports shall be
26 filed not later than 5 p.m. of the day designated; however,
27 any report postmarked by the United States Postal Service no
28 later than midnight of the day designated shall be deemed to
29 have been filed in a timely manner. Any report received by the
30 filing officer within 5 days after the designated due date
31 that was delivered by the United States Postal Service shall

1 | be deemed timely filed unless it has a postmark that indicates
2 | that the report was mailed after the designated due date. A
3 | certificate of mailing obtained from and dated by the United
4 | States Postal Service at the time of mailing, or a receipt
5 | from an established courier company, which bears a date on or
6 | before the date on which the report is due, shall be proof of
7 | mailing in a timely manner. Reports shall contain information
8 | of all previously unreported contributions received and
9 | expenditures made as of the preceding Friday, except that the
10 | report filed on the Friday immediately preceding the election
11 | shall contain information of all previously unreported
12 | contributions received and expenditures made as of the day
13 | preceding that designated due date. All such reports shall be
14 | open to public inspection.

15 | Section 6. Section 106.0701, Florida Statutes, is
16 | created to read:

17 | 106.0701 Solicitation of contributions on behalf of s.
18 | 527 or s. 501(c)(4) organizations; reporting requirements;
19 | civil penalty; exemption.--

20 | (1) The Governor, Lieutenant Governor, members of the
21 | Cabinet, state legislators, or candidates for such offices who
22 | directly or indirectly solicit, cause to be solicited, or
23 | accept any contribution on behalf of an organization that is
24 | exempt from taxation under s. 527 or s. 501(c)(4) of the
25 | Internal Revenue Code, which such individuals, in whole or in
26 | part, establish, maintain, or control, shall file a statement
27 | with the division within 5 days after commencing such activity
28 | on behalf of the organization. The statement shall contain the
29 | following information:

30 | (a) The name of the person acting on behalf of the
31 | organization.

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

2 (c) A description of the relationship between the
3 person and the organization.

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

7 (3) Upon filing a statement with the division, an
8 individual subject to the requirements of subsection (1) shall
9 promptly create a public website that contains a mission
10 statement and the names of persons associated with the
11 organization. The address of the website shall be reported to
12 the division within 5 business days after the website is
13 created.

14 (4) All contributions received shall be disclosed on
15 the website within 5 business days after deposit, together
16 with the name, address, and occupation of the donor. All
17 expenditures by the organization shall be individually
18 disclosed on the website within 5 business days after being
19 made.

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

24 Section 7. Section 106.0703, Florida Statutes, is
25 created to read:

26 106.0703 Electioneering communications organizations;
27 additional reporting requirements.--In addition to the
28 reporting requirements in s. 106.07, an electioneering
29 communications organization shall, within 2 days after
30 receiving its initial password or secure sign-on from the
31 Department of State allowing confidential access to the

1 department's electronic campaign finance filing system,
2 electronically file the periodic campaign finance reports that
3 would have been required pursuant to s. 106.07 for reportable
4 activities that occurred since the date of the last general
5 election.

6 Section 8. Paragraph (b) of subsection (2) of section
7 106.0705, Florida Statutes, is amended to read:

8 106.0705 Electronic filing of campaign treasurer's
9 reports.--

10 (2)

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

17 Section 9. Subsections (4) and (7) of section 106.08,
18 Florida Statutes, are amended, paragraph (d) is added to
19 subsection (5) of that section, and subsection (8) of that
20 section is reenacted, to read:

21 106.08 Contributions; limitations on.--

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

30 (b) Any contribution received by an electioneering
31 communications organization on the day of an election or less

1 than 5 days prior to the day of that election may not be
2 obligated or expended by the organization until after the date
3 of the election and may not be expended to pay for any
4 obligation arising prior to the election.

5 (5)

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

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

1 representative of a corporation, partnership, or other
2 business entity, or of a political party, political committee,
3 ~~or~~ committee of continuous existence, electioneering
4 communications organization, or organization exempt from
5 taxation under s. 527 or s. 501(c)(4) of the Internal Revenue
6 Code, who aids, abets, advises, or participates in a violation
7 of any provision punishable under this paragraph commits a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 or s. 775.083.

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

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

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 10. 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 11. 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 12. 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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