

## CHAMBER ACTION

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1 The State Administration Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to campaign financing; amending s.  
7 106.011, F.S.; amending a definition; providing additional  
8 registration and reporting requirements for organizations  
9 making expenditures for electioneering communications or  
10 accepting contributions for the purpose of making  
11 electioneering communications; amending s. 106.04, F.S.;  
12 revising certain filing requirements and reporting  
13 requirements for committees of continuous existence;  
14 amending s. 106.07, F.S; providing additional reporting  
15 requirements for certain contributions made to persons  
16 making expenditures for electioneering communications;  
17 requiring refund of certain contributions; creating s.  
18 106.0701, F.S.; providing registration and reporting  
19 requirements for state legislators, certain statewide  
20 officeholders, and candidates for such offices relating to  
21 contributions to organizations exempt under specified  
22 provisions of the Internal Revenue Code; providing an  
23 exemption; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 106.011, Florida Statutes, is amended to read:

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

(1)

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

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

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

3. Organizations whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering

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52 | communications; however, such organizations shall be required to  
53 | register and report contributions, including those received from  
54 | committees of continuous existence, and expenditures in the same  
55 | manner, at the same time, subject to the same penalties, and  
56 | with the same filing officer as a political committee supporting  
57 | or opposing a candidate or issue contained in the electioneering  
58 | communication, provided, however, that the registration, if not  
59 | previously filed, and initial report of such organization shall  
60 | be filed within 48 hours after receiving access to the  
61 | division's electronic filing system, and shall include all  
62 | contributions received and expenditures made since the date of  
63 | the last general election. The organization shall request an  
64 | identification number and initial password to gain access to the  
65 | system within 1 business day after making an expenditure for an  
66 | electioneering communication. If any such organization would be  
67 | required to register and report with more than one filing  
68 | officer, the organization shall register and report solely with  
69 | the Division of Elections.

70 | Section 2. Paragraph (c) of subsection (4) of section  
71 | 106.04, Florida Statutes, is amended to read:

72 | 106.04 Committees of continuous existence.--

73 | (4)

74 | (c) All committees of continuous existence shall file ~~the~~  
75 | ~~original and one copy of~~ their reports with the Division of  
76 | Elections. ~~In addition, a duplicate copy of each report shall be~~  
77 | ~~filed with the supervisor of elections in the county in which~~  
78 | ~~the committee maintains its books and records, except that if~~  
79 | ~~the filing officer to whom the committee is required to report~~

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80 ~~is located in the same county as the supervisor no such~~  
81 ~~duplicate report is required to be filed with the supervisor.~~  
82 Reports shall be filed in accordance with s. 106.0705 ~~on forms~~  
83 ~~provided by the division~~ and shall contain the following  
84 information:

85 1. The full name, address, and occupation of each person  
86 who has made one or more contributions, including contributions  
87 that represent the payment of membership dues, to the committee  
88 during the reporting period, together with the amounts and dates  
89 of such contributions. For corporations, the report must provide  
90 as clear a description as practicable of the principal type of  
91 business conducted by the corporation. However, if the  
92 contribution is \$100 or less, the occupation of the contributor  
93 or principal type of business need not be listed. However, for  
94 any contributions that represent the payment of dues by members  
95 in a fixed amount aggregating no more than \$250 per calendar  
96 year, pursuant to the schedule on file with the Division of  
97 Elections, only the aggregate amount of such contributions need  
98 be listed, together with the number of members paying such dues  
99 and the amount of the membership dues.

100 2. The name and address of each political committee or  
101 committee of continuous existence from which the reporting  
102 committee received, or the name and address of each political  
103 committee, committee of continuous existence, or political party  
104 to which it made, any transfer of funds, together with the  
105 amounts and dates of all transfers.

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106 3. Any other receipt of funds not listed pursuant to  
107 subparagraph 1. or subparagraph 2., including the sources and  
108 amounts of all such funds.

109 4. The name and address of, and office sought by, each  
110 candidate to whom the committee has made a contribution during  
111 the reporting period, together with the amount and date of each  
112 contribution.

113 5. The full name and address of each person to whom  
114 expenditures have been made by or on behalf of the committee  
115 within the reporting period; the amount, date, and purpose of  
116 each such expenditure; and the name and address, and office  
117 sought by, each candidate on whose behalf such expenditure was  
118 made.

119 6. The full name and address of each person to whom an  
120 expenditure for personal services, salary, or reimbursement for  
121 authorized expenses has been made, including the full name and  
122 address of each entity to whom the person made payment for which  
123 reimbursement was made by check drawn upon the committee  
124 account, together with the amount and purpose of such payment.

125 7. Transaction information from each credit card statement  
126 that will be included in the next report following receipt  
127 thereof by the committee. Receipts for each credit card purchase  
128 shall be retained by the treasurer with the records for the  
129 committee account.

130 ~~8.6-~~ The total sum of expenditures made by the committee  
131 during the reporting period.

132 Section 3. Paragraph (a) of subsection (4) of section  
133 106.07, Florida Statutes, is amended to read:

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134           106.07 Reports; certification and filing.--  
 135           (4) (a) Each report required by this section shall contain:  
 136           1. The full name, address, and occupation, if any of each  
 137 person who has made one or more contributions to or for such  
 138 committee or candidate within the reporting period, together  
 139 with the amount and date of such contributions. For  
 140 corporations, the report must provide as clear a description as  
 141 practicable of the principal type of business conducted by the  
 142 corporation. However, if the contribution is \$100 or less or is  
 143 from a relative, as defined in s. 112.312, provided that the  
 144 relationship is reported, the occupation of the contributor or  
 145 the principal type of business need not be listed.  
 146           2. The name and address of each political committee from  
 147 which the reporting committee or the candidate received, or to  
 148 which the reporting committee or candidate made, any transfer of  
 149 funds, together with the amounts and dates of all transfers.  
 150           3. Each loan for campaign purposes to or from any person  
 151 or political committee within the reporting period, together  
 152 with the full names, addresses, and occupations, and principal  
 153 places of business, if any, of the lender and endorsers, if any,  
 154 and the date and amount of such loans.  
 155           4. A statement of each contribution, rebate, refund, or  
 156 other receipt not otherwise listed under subparagraphs 1.  
 157 through 3.  
 158           5. The total sums of all loans, in-kind contributions, and  
 159 other receipts by or for such committee or candidate during the  
 160 reporting period. The reporting forms shall be designed to

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161 | elicit separate totals for in-kind contributions, loans, and  
162 | other receipts.

163 |         6. The full name and address of each person to whom  
164 | expenditures have been made by or on behalf of the committee or  
165 | candidate within the reporting period; the amount, date, and  
166 | purpose of each such expenditure; and the name and address of,  
167 | and office sought by, each candidate on whose behalf such  
168 | expenditure was made. However, expenditures made from the petty  
169 | cash fund provided by s. 106.12 need not be reported  
170 | individually.

171 |         7. The full name and address of each person to whom an  
172 | expenditure for personal services, salary, or reimbursement for  
173 | authorized expenses as provided in s. 106.021(3) has been made  
174 | and which is not otherwise reported, including the amount, date,  
175 | and purpose of such expenditure. However, expenditures made from  
176 | the petty cash fund provided for in s. 106.12 need not be  
177 | reported individually.

178 |         8. The total amount withdrawn and the total amount spent  
179 | for petty cash purposes pursuant to this chapter during the  
180 | reporting period.

181 |         9. The total sum of expenditures made by such committee or  
182 | candidate during the reporting period.

183 |         10. The amount and nature of debts and obligations owed by  
184 | or to the committee or candidate, which relate to the conduct of  
185 | any political campaign.

186 |         11. A copy of each credit card statement which shall be  
187 | included in the next report following receipt thereof by the  
188 | candidate or political committee. Receipts for each credit card

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189 purchase shall be retained by the treasurer with the records for  
190 the campaign account.

191 12. The amount and nature of any separate interest-bearing  
192 accounts or certificates of deposit and identification of the  
193 financial institution in which such accounts or certificates of  
194 deposit are located.

195 13. The primary purposes of an expenditure made indirectly  
196 through a campaign treasurer pursuant to s. 106.021(3) for goods  
197 and services such as communications media placement or  
198 procurement services, campaign signs, insurance, and other  
199 expenditures that include multiple components as part of the  
200 expenditure. The primary purpose of an expenditure shall be that  
201 purpose, including integral and directly related components,  
202 that comprises 80 percent of such expenditure.

203 14. For any contribution received by a person who has made  
204 or makes an expenditure for an electioneering communication,  
205 which contribution was made by an entity organized under s. 527  
206 of the Internal Revenue Code that is not currently registered  
207 with or reporting to the Division of Elections, the following  
208 additional information on its next required report following  
209 receipt of such contribution:

210 a. The name, address, and contact person of the s. 527  
211 entity.

212 b. The date the s. 527 entity was formed.

213 c. A list of all contributions that exceed \$10,000  
214 received by the s. 527 entity since the date of the last general  
215 election, and the name and address of each contributor,



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216 including each single contributor that in the aggregate made  
217 contributions exceeding \$10,000 during the period.

218  
219 The failure of a person to completely report the information  
220 required in this subparagraph shall require a refund of such  
221 contribution to the s. 527 entity.

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

224 106.0701 Solicitation of contributions and disclosure;  
225 registration.--

226 (1) (a) The Governor, Lieutenant Governor, members of the  
227 Cabinet, state legislators, or candidates for such offices who  
228 directly or indirectly solicit, cause to be solicited, or accept  
229 any contribution on behalf of an organization that is exempt  
230 from taxation under s. 527 or s. 501(c) (4) of the Internal  
231 Revenue Code, which such persons, in whole or in part,  
232 establish, maintain, or control, shall immediately file a  
233 statement with the Division of Elections. Such statement shall  
234 contain the following information:

235 1. The name of the person acting on behalf of the  
236 organization.

237 2. The name and type of the organization.

238 3. A description of the relationship between the person  
239 and the organization.

240 (b) Upon registration with the Division of Elections, a  
241 person subject to the requirements of paragraph (a) shall  
242 promptly create a public website that contains a mission  
243 statement and the names of persons associated with the

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244 organization. The address of the website shall be reported to  
245 the division within 5 business days after the website is  
246 created.

247 (c) All contributions received shall be disclosed on the  
248 website within 5 business days after deposit, together with the  
249 name, address, and occupation of the donor. All expenditures by  
250 the organization shall be individually disclosed on the website  
251 within 5 business days after being made.

252 (2) The requirements of subsection (1) do not apply to a  
253 person acting on behalf of his or her own campaign or a  
254 political party of which the person is a member.

255 Section 5. This act shall take effect on July 1, 2006.