

1 providing revenue sources for the Clean Money
2 Trust Fund; providing for the administration
3 and dispersal of clean-money funds; providing
4 limits on political party contributions and
5 expenditures; amending s. 106.011, F.S.;
6 redefining the term "political advertisement";
7 amending s. 106.021, F.S.; eliminating
8 authorization for unrestricted expenditures by
9 political committees and political parties to
10 jointly endorse three or more candidates;
11 amending s. 106.08, F.S.; providing limits on
12 contributions to political parties; revising
13 limits on contributions to candidates by
14 political parties; providing penalties;
15 amending s. 106.087, F.S.; eliminating a
16 restriction on independent expenditures by
17 certain political committees and committees of
18 continuous existence; conforming a
19 cross-reference; reenacting s. 106.19(1) and
20 (3), F.S., relating to penalties, to
21 incorporate the amendments to ss. 106.08 and
22 106.265, F.S., in references thereto; amending
23 s. 106.29, F.S.; revising reporting requirements
24 of political parties; conforming
25 cross-references; repealing ss. 106.30-106.36,
26 F.S., the "Florida Election Campaign Financing
27 Act," to conform; amending ss. 106.07, 106.141,
28 106.22, 106.265, 320.02, 322.08, 328.72,
29 607.1622, F.S.; revising references and
30 providing for deposit of various fines, surplus
31 funds, and voluntary contributions in the Clean

1 Money Trust Fund, to conform; providing for a
2 surcharge on civil penalties to be deposited
3 into the trust fund and for deposit of the
4 surcharge funds into the trust fund; reenacting
5 s. 106.143(8), F.S., relating to the
6 circulation of political advertisements to
7 incorporate the amendment to s. 106.265, F.S.,
8 in a reference thereto; providing severability;
9 providing a contingent effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Sections 106.401 through 106.425, Florida
14 Statutes, are created to read:

15 106.401 Short title.--Sections 106.401-106.426 may be
16 cited as the "Florida Clean Elections Act."

17 106.402 Findings and declarations.--

18 (1) The Legislature finds and declares that the
19 current system of privately financed campaigns for election to
20 statewide and legislative offices undermines democracy in this
21 state in the following principal ways:

22 (a) It violates the democratic principle of "one
23 person, one vote" and diminishes the meaning of the right to
24 vote by allowing large contributions to have a deleterious
25 influence on the political process.

26 (b) It violates the rights of all citizens to equal
27 and meaningful participation in the democratic process.

28 (c) It diminishes the free-speech rights of nonwealthy
29 voters and candidates whose voices are drowned out by those
30 who can afford to monopolize the arena of paid political
31 communications.

1 (d) It undermines the First Amendment right of voters
2 and candidates to be heard in the political process, the First
3 Amendment right of voters to hear all candidates' speech, and
4 the core First Amendment value of open and robust debate in
5 the political process.

6 (e) It fuels the public perception of corruption and
7 undermines public confidence in the democratic process and
8 democratic institutions.

9 (f) It drives up the cost of election campaigns,
10 making it difficult for qualified candidates without access to
11 wealthy contributors or personal fortunes to mount competitive
12 campaigns.

13 (g) It places challengers at a disadvantage, because
14 wealthy contributors tend to give their money to incumbents,
15 thus causing elections to be less competitive.

16 (h) It inhibits communication with the electorate by
17 candidates without access to large sums of campaign money.

18 (i) It burdens candidates with the incessant rigors of
19 fundraising and thus decreases the time available to fully
20 present their candidacies and ideas to the public.

21 (2) The Legislature finds and declares that providing
22 a voluntary clean-money campaign finance system for all
23 primary and general elections would enhance democracy in the
24 state in the following principal ways:

25 (a) It would help eliminate the deleterious influence
26 of large contributions on the political process, remove access
27 to wealth as a major determinant of a person's influence
28 within the political process, and restore meaning to the
29 principle of "one person, one vote."

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1 (b) It would help restore the rights of all citizens
2 to equal and meaningful participation in the democratic
3 process.

4 (c) It would restore the free-speech rights of
5 nonwealthy candidates and voters by providing candidates with
6 the equal resources with which to communicate with the voters.

7 (d) It would help restore the First Amendment right of
8 voters and candidates to be heard in the political process,
9 the First Amendment right of voters to hear all candidates'
10 speech, and the core First Amendment value of open and robust
11 debate in the political process.

12 (e) It would diminish the public perception of
13 corruption and strengthen public confidence in the democratic
14 process and democratic institutions.

15 (f) It would halt and reverse the escalating cost of
16 elections.

17 (g) It would create a more level playing field for
18 incumbents and challengers, create genuine opportunities for
19 qualified residents of this state to run for statewide or
20 legislative office, and encourage more competitive elections.

21 (h) It would facilitate communication with the
22 electorate by candidates, regardless of their access to large
23 sums of campaign money.

24 (i) It would free candidates from the incessant rigors
25 of raising money and allow them more time to fully present
26 their candidacies and ideas to the public.

27 (3) The Legislature further finds and declares that
28 the unique factual circumstances in this state require that
29 ss. 106.401-106.426 be enacted to promote the compelling state
30 interests listed in subsection (2). The provisions of ss.
31 106.401-106.426 are designed to create a rough proportionality

1 between the benefits and restrictions that apply to
2 participating candidates. However, it should be clear that
3 the provisions of ss. 106.401-106.426 are not entirely
4 neutral. Participating candidates are deliberately favored to
5 further the compelling state interest of encouraging
6 participation in the public financing program.

7 106.403 Definitions.--As used in ss. 106.401-106.426,
8 the term:

9 (1) "Allowable contribution" means a qualifying
10 contribution or a seed-money contribution.

11 (2) "Clean-money qualifying period" means the period
12 during which candidates for statewide or legislative office
13 are permitted to collect qualifying contributions in order to
14 qualify for clean-money funding. For legislative races, it
15 begins on the 60th day before the beginning of the primary
16 election campaign period and ends on the 30th day before the
17 day of the primary election. For gubernatorial and other
18 statewide races, it begins on the 120th day before the
19 beginning of the primary election campaign period and ends on
20 the 30th day before the day of the primary election.

21 (3) "Commission" means the Florida Elections
22 Commission.

23 (4) "Department" means the Department of State.

24 (5) "Division" means the Division of Elections of the
25 Department of State.

26 (6) "Excess expenditure amount" means the amount of
27 money spent or obligated to be spent by a nonparticipating
28 candidate in excess of the clean-money amount available to a
29 participating candidate running for the same office.

30
31

1 (7) "General election campaign period" means the
2 period beginning the day after the primary election and ending
3 on the day of the general election.

4 (8) "Immediate family" means the candidate's spouse,
5 parents, and children.

6 (9) "Independent candidate" means a candidate for
7 statewide or legislative office who does not represent a
8 political party that has been granted ballot status and holds
9 a primary election to choose its nominee for the general
10 election.

11 (10) "Mass mailing" means any mailing of 200 or more
12 identical or substantively identical pieces of mail sent by a
13 candidate for statewide or legislative office or an elected
14 official holding a statewide or legislative office to the
15 voters, residents, or postal boxholders within the territorial
16 jurisdiction of the office sought by such candidate or held by
17 such official. Such mailings, consisting of substantively
18 identical letters, newsletters, pamphlets, brochures, or other
19 written material, are distinct from mailings made in direct
20 response to communications from persons or groups to whom the
21 matter is mailed; mailings to federal, state, or local
22 government officials; and news releases to the communications
23 media, all of which are exempt from this definition.

24 (11) "Nonparticipating candidate" means a candidate
25 for statewide or legislative office who is on the ballot but
26 has chosen not to apply for clean-money campaign funding or a
27 candidate for statewide or legislative office who is on the
28 ballot and has applied but has not satisfied the requirements
29 for receiving clean-money funding.

30 (12) "Participating candidate" means a candidate for
31 statewide or legislative office who qualifies for clean-money

1 campaign funding. Such candidates are eligible to receive
2 clean-money funding during primary and general election
3 campaign periods.

4 (13) "Party candidate" means a candidate for statewide
5 or legislative office who represents a political party that
6 has been granted ballot status and holds a primary election to
7 choose its nominee for the general election.

8 (14) "Primary election campaign period" means the
9 period beginning on the 60th day before the primary election
10 and ending on the day of the primary election.

11 (15) "Qualifying contribution" means a contribution of
12 \$5 which is received during the applicable clean-money
13 qualifying period by a candidate seeking to become eligible
14 for clean-money campaign funding and that is acknowledged by a
15 written receipt identifying the contributor. Contributors
16 must be registered voters who reside within the territorial
17 jurisdiction of the office and who are therefore eligible to
18 vote for that candidate. Qualifying contributions must be made
19 in cash or by check or money order; must be accompanied by a
20 receipt fully identifying the contributor, which includes a
21 signed statement indicating that he or she fully understands
22 the purpose of the contribution and that the contribution is
23 made without coercion or reimbursement; and must be turned
24 over to the division for deposit in the Clean Money Trust
25 Fund. Qualifying contributions must be gathered by the
26 candidates themselves or by volunteers who receive no
27 compensation.

28 (16) "Seed-money contribution" means a contribution of
29 no more than \$100 in the aggregate from any one source during
30 the seed-money period. The term does not include payments by
31 a membership organization for the costs of communications to

1 its members, payments by a membership organization for the
2 purpose of facilitating the making of qualifying
3 contributions, and volunteer activity, including the payment
4 of incidental expenses by volunteers.

5 (17) "Seed-money period" means the period beginning
6 the day following the previous general election for the office
7 sought and ending on the last day of the clean-money
8 qualifying period. This is the exploratory period during
9 which candidates who wish to become eligible for clean-money
10 funding for the next elections are permitted to raise and
11 spend a limited amount of private seed money, in contributions
12 of up to \$100 per individual, for the purpose of testing the
13 waters and fulfilling the clean-money eligibility
14 requirements.

15 (18) "Statewide office" means the office of Governor
16 or Cabinet member. The office of Governor includes the office
17 of Lieutenant Governor as a single joint candidacy in
18 accordance with s. 99.063.

19 106.404 Eligibility for clean-money campaign funding
20 for party candidates.--

21 (1) A party candidate qualifies as a participating
22 candidate for the primary election campaign period if the
23 candidate:

24 (a) Files a declaration with the division that he or
25 she has complied and will continue to comply with the
26 requirements of ss. 106.401-106.426, especially the
27 requirement that during the seed-money period and the
28 clean-money qualifying period the candidate not accept or
29 spend private contributions from any source other than
30 seed-money contributions and qualifying contributions; and
31

1 (b) Meets the following qualifying contribution
2 requirements before the close of the clean-money qualifying
3 period:

4 1. A party candidate must collect at least the
5 following number of qualifying contributions:

6 a. For a candidate running for the office of state
7 representative, 500.

8 b. For a candidate running for the office of state
9 senator, 1,500.

10 c. For a candidate running for Cabinet office, 15,000.

11 d. For a candidate running for the office of Governor,
12 20,000.

13 2. Each qualifying contribution must be:

14 a. Acknowledged by a receipt to the contributor with a
15 copy to be kept by the candidate and a copy to be submitted to
16 the division. The receipt must indicate, by the contributor's
17 signature, that the contributor understands that the purpose
18 of the contribution is to help the candidate qualify for
19 clean-money campaign funding and that he or she is currently
20 registered to vote in the territorial jurisdiction of the
21 office sought by the candidate. The receipt must include the
22 contributor's signature, printed name, home address, and
23 telephone number and the name of the candidate on whose behalf
24 the contribution is made.

25 b. Submitted, with the copy of the signed and
26 completed receipt, to the division according to the schedule
27 and procedure determined by the division. A contribution
28 submitted as a qualifying contribution that does not include
29 the copy of the signed and completed receipt may not be
30 counted as a qualifying contribution.

31

1 (2) A party candidate qualifies as a participating
2 candidate for the general election campaign period if:

3 (a) He or she has met all of the applicable
4 requirements of ss. 106.401-106.426 and filed a declaration
5 with the division that he or she has fulfilled and will
6 continue to fulfill the requirements of a participating
7 candidate as stated in ss. 106.401-106.426; and

8 (b) As a participating candidate during the primary
9 election campaign period, he or she received the highest
10 number of votes of the candidates contesting the primary
11 election from his or her respective party or, by other means,
12 won the party's official nomination.

13 106.405 Eligibility for clean-money campaign funding
14 for independent candidates.--

15 (1) An independent candidate qualifies as a
16 participating candidate for the primary election campaign
17 period if the candidate:

18 (a) Files a declaration with the division that he or
19 she has complied and will continue to comply with the
20 requirements of ss. 106.401-106.426, especially the
21 requirement that during the seed-money period and the
22 clean-money qualifying period the candidate not accept or
23 spend private contributions from any source other than
24 seed-money contributions and qualifying contributions; and

25 (b) Meets the following qualifying contribution
26 requirements before the close of the clean-money qualifying
27 period:

28 1. An independent candidate must collect the same
29 number of qualifying contributions as a party candidate must
30 collect for the same office as provided in s. 106.404.

31 2. Each qualifying contribution must be:

1 a. Acknowledged by a receipt to the contributor, with
2 a copy to be kept by the candidate and a copy to be submitted
3 to the division. The receipt must indicate, by the
4 contributor's signature, that the contributor understands that
5 the purpose of the contribution is to help the candidate
6 qualify for clean-money campaign funding and that he or she is
7 currently registered to vote in the territorial jurisdiction
8 of the office sought by the candidate. The receipt must
9 include the contributor's signature, printed name, home
10 address, and telephone number and the name of the candidate on
11 whose behalf the contribution is made.

12 b. Submitted, with the copy of the signed and
13 completed receipt, to the division according to the schedule
14 and procedure determined by the division. A contribution
15 submitted as a qualifying contribution which does not include
16 the copy of the signed and completed receipt may not be
17 counted as a qualifying contribution.

18 (2) An independent candidate qualifies as a
19 participating candidate for the general election campaign
20 period if:

21 (a) Before the primary election, he or she has met all
22 of the applicable requirements of ss. 106.401-106.426 and
23 filed a declaration with the division that he or she has
24 fulfilled and will continue to fulfill the requirements of a
25 participating candidate as stated in ss. 106.401-106.426; and

26 (b) During the primary election campaign period, he or
27 she has fulfilled all of the requirements of a participating
28 candidate as stated in ss. 106.401-106.426.

29 106.407 Continuing obligation to comply.--A
30 participating candidate who accepts any benefits during the
31 primary election campaign period must comply with all

1 requirements of ss. 106.401-106.426 through the general
2 election campaign period whether or not he or she continues to
3 accept benefits, unless the candidate loses in the primary
4 election or withdraws his or her candidacy and subsequently is
5 selected as a candidate for Lieutenant Governor with a
6 nonparticipating candidate for Governor.

7 106.408 Contributions and expenditures; limitations
8 and reporting.--

9 (1) During the primary and general election campaign
10 periods, a participating candidate who has voluntarily agreed
11 to participate in and has become eligible for clean-money
12 benefits may not accept private contributions from any source
13 other than the candidate's political party.

14 (2) A person may not make a contribution in the name
15 of another person. A participating candidate who receives a
16 qualifying contribution or seed-money contribution that is not
17 from the person listed on the receipt required by s.
18 106.404(1)(b)2., s. 106.405(1)(b)2., or s. 106.41(3) is liable
19 to pay the commission the entire amount of the illegal
20 contribution, in addition to any other penalties prescribed by
21 this chapter.

22 (3) During the primary and general election campaign
23 periods, a participating candidate must pay for all of his or
24 her campaign expenditures, except petty cash expenditures, by
25 means of the clean money debit card, as specified in s.
26 106.424.

27 (4) Eligible candidates shall furnish complete
28 campaign records, including all records of seed-money
29 contributions and qualifying contributions, to the division at
30 regular filing times or on request by the division.

31

1 Candidates must cooperate with any audit or examination by the
2 division or the commission.

3 106.409 Use of personal funds.--

4 (1) Personal funds contributed as seed money by a
5 candidate seeking to become eligible as a participating
6 candidate or by adult members of his or her immediate family
7 may not exceed the maximum of \$100 in the aggregate per
8 contributor.

9 (2) Personal funds may not be used to meet the
10 qualifying contribution requirement except for one qualifying
11 contribution from the candidate and one qualifying
12 contribution from the candidate's spouse, if the candidate and
13 his or her spouse are registered voters of the territorial
14 jurisdiction of the office sought by the candidate.

15 106.41 Seed-money contributions.--

16 (1) The only private contributions that a candidate
17 seeking to become eligible for clean-money funding may accept,
18 other than qualifying contributions, are seed-money
19 contributions contributed before the end of the clean-money
20 qualifying period.

21 (2) A seed-money contribution may not exceed \$100 in
22 the aggregate from any one source, and the aggregate amount of
23 seed-money contributions from all sources accepted by a
24 candidate seeking to become eligible for clean-money funding
25 may not exceed:

26 (a) For a candidate running for the office of state
27 representative, \$10,000.

28 (b) For a candidate running for the office of state
29 senator, \$30,000.

30 (c) For a candidate running for Cabinet office,
31 \$200,000.

1 (d) For a candidate running for the office of
2 Governor, \$500,000.

3 (3) Receipts for seed-money contributions under \$25
4 must include the contributor's signature, printed name, and
5 address. Receipts for seed-money contributions of \$25 or more
6 must include the contributor's signature, printed name, street
7 address and zip code, telephone number, occupation, and name
8 of employer. Contributions may not be accepted if the
9 required disclosure information is not provided.

10 (4) Seed money may be spent only during the
11 clean-money qualifying period. Seed money may not be spent
12 during the primary or general election campaign periods.

13 (5) Within 48 hours after the close of the clean-money
14 qualifying period, each candidate seeking to become eligible
15 for clean-money funding must fully disclose all seed-money
16 contributions and expenditures to the division and turn over
17 to the division for deposit in the Clean Money Trust Fund any
18 seed money raised during the applicable seed-money period
19 which exceeds the aggregate seed-money limit.

20 106.411 Participation in debates.--

21 (1) Participating candidates must participate in one
22 1-hour debate during a contested primary election and two
23 1-hour debates during a contested general election when
24 public-debate opportunities are available.

25 (2) Licensed broadcasters receiving state funding or
26 providing publicly authorized cable services shall publicly
27 broadcast one such debate, when practicable, for gubernatorial
28 and other statewide races.

29 (3) Nonparticipating candidates for the same offices
30 whose names will appear on the ballot must be invited to join
31 the debates.

1 106.412 Certification of eligibility.--

2 (1) No more than 5 days after a candidate applies for
3 clean-money benefits, the division shall certify or fail to
4 certify the candidate as eligible. Eligibility may be revoked
5 if the candidate violates any of the requirements of ss.
6 106.401-106.426, in which case all clean-money funds received
7 by the candidate must be repaid.

8 (2) The candidate's request for eligibility
9 certification shall be signed by the candidate and his or her
10 campaign treasurer under penalty of perjury.

11 (3) The division's determination is final, except that
12 it is subject to examination and audit by an outside agency
13 and to a prompt, expedited judicial review.

14 106.413 Benefits provided to candidates eligible to
15 receive clean money.--

16 (1) Candidates who qualify for clean-money funding for
17 primary and general elections shall receive:

18 (a) Clean-money funding from the division for each
19 election in the amounts specified in s. 106.415. This funding
20 may be used to finance any and all campaign expenses during
21 the particular campaign period for which it was allocated.

22 (b) Media benefits and mailing privileges as provided
23 in ss. 106.401-106.426, including up to \$5,000 each election
24 for broadcasting expenses for qualified political
25 advertisements that are determined under s. 106.42 as meeting
26 the standards of "Truth in Campaigning" established by the
27 Voter Information Commission and the division.

28 (c) Additional clean-money funding to match any excess
29 expenditure amount spent by nonparticipating candidates, as
30 specified in s. 106.417.

31

1 (d) Additional clean-money funding to match any
2 independent expenditure made in opposition to their
3 candidacies or on behalf of their opponents' candidacies, as
4 specified in s. 106.418.

5 (e) Additional clean-money funding to match any issue
6 advertisement made in opposition to their candidacies or on
7 behalf of their opponents' candidacies, as specified in s.
8 106.419.

9 (2) The maximum aggregate amount of additional funding
10 a participating candidate may receive to match independent
11 expenditures, issue advertisements, and the excess
12 expenditures of nonparticipating candidates is 300 percent of
13 the full amount of clean-money funding allocated to the
14 candidate for a particular primary or general election
15 campaign period.

16 106.414 Schedule of clean-money payments.--

17 (1)(a) An eligible party candidate shall receive his
18 or her clean-money funding for the primary election campaign
19 period on the date on which the division certifies the
20 candidate as a participating candidate. This certification
21 shall take place no later than 5 days after the candidate has
22 submitted the required number of qualifying contributions and
23 a declaration stating that he or she has complied with all
24 other requirements for eligibility as a participating
25 candidate, but no earlier than the beginning of the primary
26 election campaign period.

27 (b) An eligible party candidate shall receive his or
28 her clean-money funding for the general election campaign
29 period within 48 hours after certification of the primary
30 election results.

31

1 (2)(a) An eligible independent candidate shall receive
2 his or her clean-money funding for the primary election
3 campaign period on the date on which the division certifies
4 the candidate as a participating candidate. This
5 certification shall take place no later than 5 days after the
6 candidate has submitted the required number of qualifying
7 contributions and a declaration stating that he or she has
8 complied with all other requirements for eligibility as a
9 participating candidate, but no earlier than the beginning of
10 the primary election campaign period.

11 (b) An eligible independent candidate shall receive
12 his or her clean-money funding for a general election campaign
13 period within 48 hours after certification of the applicable
14 primary election results.

15 106.415 Determination of clean-money amounts.--

16 (1)(a) The amount of clean-money funding for an
17 eligible party candidate in a contested primary election is:

18 1. For a candidate running for the office of state
19 representative, \$45,000.

20 2. For a candidate running for the office of state
21 senator, \$135,000.

22 3. For a candidate running for Cabinet office,
23 \$700,000.

24 4. For a candidate running for the office of Governor,
25 \$2 million.

26 (b) The clean-money amount for an eligible party
27 candidate in an uncontested primary election is 10 percent of
28 the amount provided in a contested primary election.

29 (c) The amount of clean-money funding for an eligible
30 party candidate in a contested general election is:

31

1 1. For a candidate running for the office of state
2 representative, \$60,000.

3 2. For a candidate running for the office of state
4 senator, \$180,000.

5 3. For a candidate running for Cabinet office, \$1
6 million.

7 4. For a candidate running for the office of Governor,
8 \$5 million.

9 (2)(a) The clean-money amount for an eligible
10 independent candidate in a primary election is 10 percent of
11 the amount received by a party candidate in a contested
12 primary election.

13 (b) The clean-money amount for an eligible independent
14 candidate in the general election is the same as the full
15 amount received by a party candidate in the general election.

16 (3) After the first cycle of elections subject to ss.
17 106.401-106.426, the division shall adjust the clean-money
18 amounts authorized under this section based on the rate of
19 inflation or the cost-of-living index.

20 106.416 Expenditures made with clean-money funds.--

21 (1) The clean-money funding received by a
22 participating candidate may be used only for the purpose of
23 defraying that candidate's campaign-related expenses during a
24 particular election campaign period for which the clean-money
25 funding was allocated.

26 (2) Clean-money funding may not be used in violation
27 of the law or to repay any personal, family, or business
28 loans, expenditures, or debts.

29 106.417 Disclosure of excess spending by
30 nonparticipating candidates.--
31

1 (1) If a nonparticipating candidate's total
2 expenditures for a primary or general election campaign period
3 exceed the amount of clean-money funding allocated to his or
4 her clean-money opponent for that period, he or she shall
5 disclose to the division within 48 hours each excess
6 expenditure amount that, in the aggregate, is more than
7 \$1,000.

8 (2) During the last 20 days before the end of the
9 applicable campaign period, a nonparticipating candidate shall
10 disclose to the division each excess expenditure amount that,
11 in the aggregate, is more than \$500, within 24 hours of when
12 the expenditure is made or obligated to be made.

13 (3) The division may make its own determination as to
14 whether excess expenditures have been made by nonparticipating
15 candidates.

16 (4) Upon receiving an excess expenditure disclosure
17 under this section, the division shall immediately release
18 additional clean-money funding to the opposing participating
19 candidate equal to the excess expenditure amount the
20 nonparticipating candidate has spent or intends to spend,
21 subject to the limit set forth in s. 106.413(2).

22 106.418 Disclosure of and additional clean money to
23 respond to independent expenditures.--

24 (1) As used in this section, the term:

25 (a) "Coordination" means a payment made for a
26 communication or anything of value which is for the purpose of
27 influencing the outcome of an election for statewide or
28 legislative office and which is made:

29 1. By a person in cooperation, consultation, or
30 concert with, at the request or suggestion of, or pursuant to
31 a particular understanding with a candidate, a candidate's

1 campaign committee, or an agent acting on behalf of a
2 candidate or a candidate's campaign committee;

3 2. By a person for the dissemination, distribution, or
4 republication, in whole or in part, of any broadcast or any
5 written, graphic, or other form of campaign material prepared
6 by a candidate, a candidate's campaign committee, or an agent
7 of a candidate or a candidate's campaign committee;

8 3. Based on specific information about the candidate's
9 plans, projects, or needs provided to the person making the
10 payment by the candidate or the candidate's agent who provides
11 the information with a view toward having the payment made;

12 4. By a person if, in the same election cycle in which
13 the payment is made, the person making the payment is serving
14 or has served as a member, employee, fund raiser, or agent of
15 the candidate's campaign committee in an executive or
16 policymaking position;

17 5. By a person if the person making the payment has
18 served in any formal policymaking or advisory position with
19 the candidate's campaign or has participated in strategic or
20 policymaking discussions with the candidate's campaign
21 relating to the candidate's pursuit of nomination for election
22 or election to a statewide or legislative office in the same
23 election cycle as the election cycle in which the payment is
24 made; or

25 6. By a person if the person making the payment
26 retains the professional services of an individual or person
27 who, in a nonministerial capacity, has provided or is
28 providing campaign-related services in the same election cycle
29 to a candidate who is pursuing the same nomination or election
30 as any of the candidates to whom the communication refers.
31

1 (b) "Express advocacy" means a communication that is
2 made through a broadcast medium, newspaper, magazine,
3 billboard, direct mail, or similar type of general public
4 communication or political advertising that advocates the
5 election or defeat of a clearly identifiable candidate,
6 including any communication that contains a phrase such as
7 "vote for," "re-elect," "support," "cast your ballot for,"
8 "(name of candidate) for (name of office)," "(name of
9 candidate) in (year)," "vote against," "defeat," or "reject"
10 or contains campaign slogans or individual words that in
11 context can have no reasonable meaning other than to recommend
12 the election or defeat of one or more clearly identifiable
13 candidates. The term does not include any news story,
14 commentary, or editorial by a broadcasting station, newspaper,
15 magazine, or other publication, if the entity is not owned by
16 or affiliated with any candidate or candidate committee or a
17 regularly published newsletter or other communication whose
18 circulation is limited to an organization's members,
19 employees, shareholders, other affiliated individuals, and
20 those who request or purchase the internal publication.

21 (c) "Independent expenditure" means an expenditure
22 made by a person or group other than a candidate or a
23 candidate's campaign committee which is made for a
24 communication that contains express advocacy and is made
25 without the participation or cooperation of and without
26 coordination with a candidate or a candidate's campaign
27 committee.

28 (d) "Professional services" includes services in
29 support of a candidate's pursuit of nomination for election or
30 election to statewide or legislative office, such as polling,
31 media advice, direct mail, fundraising, or campaign research.

1 (2)(a) Any person who makes an independent expenditure
2 in support of or in opposition to a candidate for statewide or
3 legislative office during a primary or general election
4 campaign period which, in the aggregate, exceeds \$1,000 shall
5 report each such expenditure within 48 hours to the division.

6 (b) The report to the division shall include a
7 statement, under penalty of perjury, by the person making the
8 independent expenditure identifying the candidate whom the
9 independent expenditure is intended to help elect or defeat
10 and affirming that the expenditure is totally independent and
11 involves no cooperation or coordination with a candidate or
12 political party.

13 (c) An individual or organization may file a complaint
14 with the commission if the individual or organization believes
15 that such a statement is false. The commission shall make a
16 prompt determination about such a complaint.

17 (3) Upon receiving a report under this section that an
18 independent expenditure has been made or is obligated to be
19 made, the division shall immediately release additional
20 clean-money funding, equal in amount to the cost of the
21 independent expenditure, to all participating candidates whom
22 the independent expenditure is intended to oppose or defeat,
23 if the maximum aggregate amount of additional funding a
24 participating candidate receives to match independent
25 expenditures, issue advertisements, and the excess
26 expenditures of nonparticipating candidates is no more than
27 300 percent of the full amount of clean-money funding
28 allocated to a participating candidate in that election and
29 the aggregate amount of the campaign expenditures combined
30 with the amount of the independent expenditures of the
31 nonparticipating candidate benefiting from the independent

1 expenditure exceeds the amount of clean-money funding received
2 by the participating candidate.

3 (4) Funding in the same amounts must also be granted
4 to any participating candidate when another participating
5 candidate benefits, however unintentionally, from independent
6 expenditures that, in the aggregate with other expenditures,
7 exceed the clean-money amount received by the participating
8 candidates.

9 106.419 Disclosure of, and additional clean money in
10 response to, issue advertisements.--

11 (1) As used in this section, the term "issue
12 advertisement" means a communication through a broadcasting
13 station, newspaper, magazine, outdoor advertising facility,
14 mailing, or any other type of general public political
15 advertising the purchase of which is not an independent
16 expenditure or a contribution and which costs, in the
17 aggregate, \$1,000 or more, contains the name or likeness of
18 one or more candidates, is communicated during a primary or
19 general election period, and recommends a position on a
20 political issue.

21 (2) A person who makes a disbursement to purchase an
22 issue advertisement shall file a report with the division not
23 later than 48 hours after making the disbursement which
24 specifies the amount of the disbursement, the name and address
25 of the person making the disbursement, the purpose of the
26 issue advertisement, and the script or a printed or duplicated
27 audio copy of the advertisement.

28 (3) Upon receiving a report under this section that an
29 issue advertisement has been made or is obligated to be made,
30 and upon determination that the advertisement can reasonably
31 be interpreted as having the effect of promoting the defeat of

1 a participating candidate or the election of that candidate's
2 opponent, the division shall immediately authorize the release
3 to that candidate of additional clean-money funding, equal in
4 amount to the cost of the issue advertisement, subject to the
5 limit set forth in s. 106.413(2).

6 106.42 Voter Information Commission.--

7 (1) The Secretary of State shall establish and
8 administer a nonpartisan Voter Information Commission
9 consisting of representatives of nonprofit organizations,
10 political parties, the media, and interested citizens.

11 (2) The Voter Information Commission may establish a
12 voter information program for the purpose of providing voters
13 with election-related information and fostering political
14 dialogue and debate.

15 (3) The Voter Information Commission shall organize
16 the publication and distribution of a voter information guide
17 that includes important information about candidates appearing
18 on the ballot, including biographical material submitted by
19 the candidates; information on whether candidates are funding
20 their campaigns with public money or private money; policy
21 statements by the candidates or their political parties on
22 issues designated by the Voter Information Commission and
23 other issues; and, when pertinent, candidates' voting records.

24 (4) The Voter Information Commission shall evaluate,
25 or delegate the evaluation of, the veracity of a candidate's
26 own political advertisements submitted by participating
27 candidates to determine whether each advertisement meets the
28 standards of "Truth in Campaigning" as established by the
29 Voter Information Commission and the division and reviewed
30 biennially before the filing date for candidates in each
31 general election year. Upon determination of qualification

1 for an advertisement, the Voter Information Commission shall
2 immediately notify the candidate and the division that the
3 advertisement meets the established standards of "Truth in
4 Campaigning."

5 106.421 Broadcast debates.--

6 (1) All television and radio broadcast stations
7 publicly funded in part or providing publicly approved cable
8 services shall make available, as a condition of their
9 licenses, free coverage for gubernatorial and other statewide
10 candidate debates in contested primary and general elections.

11 (2) At a minimum, broadcasters shall broadcast, when
12 practicable, and participating candidates in gubernatorial and
13 other statewide races shall participate in, one 1-hour debate
14 during a contested primary election and two 1-hour debates
15 during a contested general election.

16 (3) All participating candidates shall participate in
17 public debates when practicable, and all nonparticipating
18 candidates for the same offices whose names will appear on the
19 ballot must be invited to join the debates.

20 106.422 Limit on use of public official mailing
21 privileges.--

22 (1) Except as provided in subsection (2), an elected
23 official holding a statewide or legislative office may not
24 mail any mass mailing as government mail during the period
25 between July 1 of the election year and the date of the
26 general election for that office, unless the official has made
27 a public announcement that he or she will not be a candidate
28 for reelection to that office or for election to any other
29 statewide or legislative office during that election cycle.

30 (2) The normal privileges for elected officials
31 holding a statewide or legislative office shall remain

1 applicable to mailings not covered under the definition of
2 mass mailing in s. 106.403.

3 106.423 Revenue sources for the Clean Money Trust
4 Fund.--

5 (1) The Legislature may appropriate funds that, when
6 added to the revenue outlined in subsection (2), will be
7 sufficient to fully carry out the provisions of ss.
8 106.401-106.426, and such funds shall be deposited in the
9 Clean Money Trust Fund.

10 (2) Other sources of revenue to be deposited in the
11 Clean Money Trust Fund include:

12 (a) The qualifying contributions required of
13 candidates seeking to become certified as participating
14 candidates and such candidates' qualifying contributions in
15 excess of the minimum number to qualify as a participating
16 candidate.

17 (b) The excess seed-money contributions of candidates
18 seeking to become certified as participating candidates.

19 (c) Unspent funds distributed to any participating
20 candidate who does not remain a candidate until the primary or
21 general election for which they were distributed, or such
22 funds that remain unspent by a participating candidate
23 following the date of the primary or general election for
24 which they were distributed.

25 (d) Fines levied by the commission against candidates
26 for violation of election laws, except for those fines
27 required to be deposited in the Elections Commission Trust
28 Fund.

29 (e) Voluntary donations made directly to the trust
30 fund.

31

1 (f) Funds from the surcharge on civil penalties levied
2 under s. 106.265(3).

3 (g) Any interest generated by the trust fund.

4 (h) Any other sources of revenue authorized by law.

5 106.424 Administration and disbursement of clean money.--

6 (1) Upon determining that a candidate has met all the
7 requirements for becoming a participating candidate as
8 provided in ss. 106.401-106.426, the division shall authorize
9 the issuance to the candidate of a clean-money debit card and
10 a line of debit entitling the candidates and members of the
11 candidate's staff to draw clean-money funds from a state
12 account to pay for all campaign costs and expenses up to the
13 amount of clean-money funding the candidate has been
14 authorized.

15 (2) A participating candidate, or any other person on
16 behalf of a participating candidate, may not pay campaign
17 costs by cash, check, money order, loan, or any other
18 financial means other than the clean-money debit card, except
19 as otherwise provided in subsection (3).

20 (3) Cash amounts of \$500 or less per day may be drawn
21 on the clean-money debit card and used to pay expenses of no
22 more than \$100 each. Records of all such expenditures must be
23 maintained and reported to the division.

24 (4) Upon determination by the Voter Information
25 Commission that a candidate's political advertisement
26 qualifies under the "Truth in Campaigning" standards proposed
27 by the Voter Information Commission and adopted by the
28 division, the division shall authorize payment for the
29 broadcast advertisement, which may be made directly to
30 broadcast vendors in the candidate's behalf, except that the

31

1 amount of payments for each candidate in each election may not
2 exceed an aggregate total of \$5,000.

3 106.425 Political party contributions and
4 expenditures.--

5 (1) Participating candidates may accept monetary or
6 in-kind contributions from political parties if the aggregate
7 amount of the contributions from all political party
8 committees combined does not exceed the equivalent of 10
9 percent of the clean-money financing amount for that office
10 and if that aggregate amount does not exceed \$100,000 per
11 candidate per election cycle.

12 (2) Contributions made to, and expenditures made by,
13 political parties during primary and general election campaign
14 periods must be reported to the division on the same basis as
15 contributions and expenditures made to or by candidates.

16 (3) This section does not prevent political party
17 funds from being used for general operating expenses of the
18 party; conventions; nominating and endorsing candidates on a
19 nonrecurring basis within each election period; identifying,
20 researching, and developing the party's positions on issues;
21 party platform activities; noncandidate-specific voter
22 registration; noncandidate-specific, get-out-the-vote drives;
23 travel expenses for noncandidate party leaders and staff; and
24 other noncandidate-specific, party-building activities.

25 Section 2. Subsection (17) of section 106.011, Florida
26 Statutes, is amended to read:

27 106.011 Definitions.--As used in this chapter, the
28 following terms have the following meanings unless the context
29 clearly indicates otherwise:

30 (17)(a) "Political advertisement" means a paid
31 expression in any communications media prescribed in

1 subsection (13), whether radio, television, newspaper,
2 magazine, periodical, campaign literature, direct mail, or
3 display or by means other than the spoken word in direct
4 conversation, which expressly advocates the election or defeat
5 of a candidate or the approval or rejection of an issue. A
6 political advertisement shall be deemed to support or oppose a
7 candidate or elected public official if it mentions or shows a
8 clearly identifiable candidate for election or reelection and
9 is distributed at any point during the period following the
10 last day of qualifying for that candidacy through the
11 immediately ensuing general election, regardless of whether
12 the communication contains the words "vote for," "reelect,"
13 "vote against," or "defeat" or any similar words or
14 statements.

15 (b) However, "political advertisement" does not
16 include:

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

23 2. ~~(b)~~ Editorial endorsements by any newspaper, radio
24 or television station, or other recognized news medium.

25 3. A paid expression in any communications medium
26 which mentions or shows a clearly identifiable candidate for
27 election or reelection and which:

28 a. Advertises a business rather than the candidate, is
29 paid for out of funds of that business, and is similar to
30 other advertisements for that business which have mentioned or
31 shown the candidate and have been distributed on a regular

1 basis over a period of at least 1 year before the qualifying
2 period for that candidacy; or

3 b. Is distributed or broadcast only to areas other
4 than the geographical area of the electorate for that
5 candidacy.

6 Section 3. Subsection (3) of section 106.021, Florida
7 Statutes, is amended to read:

8 106.021 Campaign treasurers; deputies; primary and
9 secondary depositories.--

10 (3) No contribution or expenditure, including
11 contributions or expenditures of a candidate or of the
12 candidate's family, shall be directly or indirectly made or
13 received in furtherance of the candidacy of any person for
14 nomination or election to political office in the state or on
15 behalf of any political committee except through the duly
16 appointed campaign treasurer of the candidate or political
17 committee, subject to the following exceptions:

18 (a) Independent expenditures;

19 (b) Reimbursements to a candidate or any other
20 individual for expenses incurred in connection with the
21 campaign or activities of the political committee by a check
22 drawn upon the campaign account and reported pursuant to s.
23 106.07(4). After July 1, 2004, the full name and address of
24 each person to whom the candidate or other individual made
25 payment for which reimbursement was made by check drawn upon
26 the campaign account shall be reported pursuant to s.
27 106.07(4), together with the purpose of such payment; or

28 (c) Expenditures made indirectly through a treasurer
29 for goods or services, such as communications media placement
30 or procurement services, campaign signs, insurance, or other
31 expenditures that include multiple integral components as part

1 of the expenditure and reported pursuant to s.

2 106.07(4)(a)13. ~~or~~

3 ~~(d) Expenditures made directly by any political~~
4 ~~committee or political party regulated by chapter 103 for~~
5 ~~obtaining time, space, or services in or by any communications~~
6 ~~medium for the purpose of jointly endorsing three or more~~
7 ~~candidates, and any such expenditure shall not be considered a~~
8 ~~contribution or expenditure to or on behalf of any such~~
9 ~~candidates for the purposes of this chapter.~~

10 Section 4. Section 106.08, Florida Statutes, is
11 amended to read:

12 106.08 Contributions; limitations on.--

13 (1)(a) Except for political parties, no person,
14 political committee, or committee of continuous existence may,
15 in any election, make contributions in excess of \$500 to any
16 candidate for election to or retention in office or to any
17 political committee supporting or opposing one or more
18 candidates. Candidates for the offices of Governor and
19 Lieutenant Governor on the same ticket are considered a single
20 candidate for the purpose of this section.

21 (b)1. The contribution limits provided in this
22 subsection do not apply to contributions made by a state or
23 county executive committee of a political party regulated by
24 chapter 103 or to amounts contributed by a candidate to his or
25 her own campaign.

26 2. Notwithstanding the limits provided in this
27 subsection, an unemancipated child under the age of 18 years
28 of age may not make a contribution in excess of \$100 to any
29 candidate or to any political committee supporting one or more
30 candidates.

31

1 (c) The contribution limits of this subsection apply
2 to each election. For purposes of this subsection, the primary
3 election and general election are separate elections so long
4 as the candidate is not an unopposed candidate as defined in
5 s. 106.011(15). However, for the purpose of contribution
6 limits with respect to candidates for retention as a justice
7 or judge, there is only one election, which is the general
8 election.

9 (2) A person, political committee, or committee of
10 continuous existence may not make contributions to the state
11 and county executive committees of a political party,
12 including any subordinate committee of a state or county
13 executive committee of a political party, which contributions,
14 including in-kind contributions, in the aggregate in any
15 calendar year exceed \$5,000.

16 ~~(3)(2)(a)~~ Except as otherwise provided in s. 106.425,
17 a candidate for an office other than a statewide office may
18 not accept contributions from national, state, including any
19 subordinate committee of a national, state, or county
20 committee of a political party, and county executive
21 committees of a political party, including any subordinate
22 committee of a national, state, or county executive committee
23 of a political party, which contributions, including in-kind
24 contributions in the aggregate exceed\$5,000 in any calendar
25 year. A candidate for statewide office may not accept
26 contributions from national, state, or county executive
27 committees of a political party, including any subordinate
28 committee of a national, state, or county executive committee
29 of a national, state, or county executive committee of a
30 political party, which contributions, including in-kind
31 contributions, in the aggregate in any election cycle exceed

1 ~~\$100,000~~\$50,000, no more than \$25,000 of which may be
2 accepted prior to the 28 day period immediately preceding the
3 date of the general election.

4 (b) Except as otherwise provided in s. 106.425,
5 national, state, and county executive committees of a
6 political party, including any subordinate committee of a
7 national, state, or county executive committee of a political
8 party, may not make contributions to a candidate for other
9 than statewide office which contributions, including in-kind
10 contributions, in the aggregate in any calendar year exceed
11 \$5,000. National, state, and county executive committees of a
12 political party, including any subordinate committee of a
13 national, state, or county executive committee of a political
14 party, may not make contributions to a candidate for statewide
15 office which contributions, including in-kind contributions,
16 in the aggregate in any election cycle exceed \$100,000. A
17 ~~candidate for statewide office may not accept contributions~~
18 ~~from national, state, or county executive committees of a~~
19 ~~political party, including any subordinate committee of a~~
20 ~~national, state, or county committee of a political party,~~
21 ~~which contributions in the aggregate exceed \$250,000, no more~~
22 ~~than \$125,000 of which may be accepted prior to the 28 day~~
23 ~~period immediately preceding the date of the general election.~~
24 ~~Polling services, research services, costs for campaign staff,~~
25 ~~professional consulting services, and telephone calls are not~~
26 ~~contributions to be counted toward the contribution limits of~~
27 ~~paragraph (a) or this paragraph. Any item not expressly~~
28 ~~identified in this paragraph as nonallocable is a contribution~~
29 ~~in an amount equal to the fair market value of the item and~~
30 ~~must be counted as allocable toward the contribution limits of~~
31 ~~paragraph (a) or this paragraph. Nonallocable, in kind~~

1 ~~contributions must be reported by the candidate under s.~~
2 ~~106.07 and by the political party under s. 106.29.~~

3 (4)~~(3)~~(a) Any contribution received by a candidate
4 with opposition in an election or by the campaign treasurer or
5 a deputy campaign treasurer of such a candidate on the day of
6 that election or less than 5 days prior to the day of that
7 election must be returned by him or her to the person or
8 committee contributing it and may not be used or expended by
9 or on behalf of the candidate.

10 (b) Except as otherwise provided in paragraph (c), any
11 contribution received by a candidate or by the campaign
12 treasurer or a deputy campaign treasurer of a candidate after
13 the date at which the candidate withdraws his or her
14 candidacy, or after the date the candidate is defeated,
15 becomes unopposed, or is elected to office must be returned to
16 the person or committee contributing it and may not be used or
17 expended by or on behalf of the candidate.

18 (c) With respect to any campaign for an office in
19 which an independent or minor party candidate has filed as
20 required in s. 99.0955 or s. 99.096, but whose qualification
21 is pending a determination by the Department of State or
22 supervisor of elections as to whether or not the required
23 number of petition signatures was obtained:

24 1. The department or supervisor shall, no later than 3
25 days after that determination has been made, notify in writing
26 all other candidates for that office of that determination.

27 2. Any contribution received by a candidate or the
28 campaign treasurer or deputy campaign treasurer of a candidate
29 after the candidate has been notified in writing by the
30 department or supervisor that he or she has become unopposed
31 as a result of an independent or minor party candidate failing

1 | to obtain the required number of petition signatures shall be
2 | returned to the person, political committee, or committee of
3 | continuous existence contributing it and shall not be used or
4 | expended by or on behalf of the candidate.

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

13 | (b) Any contribution received by an electioneering
14 | communications organization on the day of an election or less
15 | than 5 days prior to the day of that election may not be
16 | obligated or expended by the organization until after the date
17 | of the election and may not be expended to pay for any
18 | obligation arising prior to the election.

19 | ~~(6)~~(5)(a) A person may not make any contribution
20 | through or in the name of another, directly or indirectly, in
21 | any election.

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

26 | (c) Candidates, political committees, and political
27 | parties may not make contributions, in exchange for political
28 | support, to any religious, charitable, civic, or other cause
29 | or organization established primarily for the public good. It
30 | is not a violation of this paragraph for:
31 |

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

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

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

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

22 ~~(7)(6)~~(a) A political party may not accept any
23 contribution that has been specifically designated for the
24 partial or exclusive use of a particular candidate. Any
25 contribution so designated must be returned to the contributor
26 and may not be used or expended by or on behalf of the
27 candidate.

28 (b)1. A political party may not accept any in-kind
29 contribution that fails to provide a direct benefit to the
30 political party. A "direct benefit" includes, but is not
31

1 limited to, fundraising or furthering the objectives of the
2 political party.

3 2.a. An in-kind contribution to a state political
4 party may be accepted only by the chairperson of the state
5 political party or by the chairperson's designee or designees
6 whose names are on file with the division in a form acceptable
7 to the division prior to the date of the written notice
8 required in sub-subparagraph b. An in-kind contribution to a
9 county political party may be accepted only by the chairperson
10 of the county political party or by the county chairperson's
11 designee or designees whose names are on file with the
12 supervisor of elections of the respective county prior to the
13 date of the written notice required in sub-subparagraph b.

14 b. A person making an in-kind contribution to a state
15 political party or county political party must provide prior
16 written notice of the contribution to a person described in
17 sub-subparagraph a. The prior written notice must be signed
18 and dated and may be provided by an electronic or facsimile
19 message. However, prior written notice is not required for an
20 in-kind contribution that consists of food and beverage in an
21 aggregate amount not exceeding \$1,500 which is consumed at a
22 single sitting or event if such in-kind contribution is
23 accepted in advance by a person specified in sub-subparagraph
24 a.

25 c. A person described in sub-subparagraph a. may
26 accept an in-kind contribution requiring prior written notice
27 only in a writing that is signed and dated before the in-kind
28 contribution is made. Failure to obtain the required written
29 acceptance of an in-kind contribution to a state or county
30 political party constitutes a refusal of the contribution.
31

1 d. A copy of each prior written acceptance required
2 under sub-subparagraph c. must be filed with the division at
3 the time the regular reports of contributions and expenditures
4 required under s. 106.29 are filed by the state executive
5 committee and county executive committee.

6 e. An in-kind contribution may not be given to a state
7 or county political party unless the in-kind contribution is
8 made as provided in this subparagraph.

9 ~~(8)(7)~~(a) Any person who knowingly and willfully makes
10 or accepts no more than one contribution in violation of
11 subsection (1), subsection (2), or subsection~~(6)(5)~~, or any
12 person who knowingly and willfully fails or refuses to return
13 any contribution as required in subsection~~(4)(3)~~, commits a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083. If any corporation, partnership, or
16 other business entity or any political party, political
17 committee, committee of continuous existence, or
18 electioneering communications organization is convicted of
19 knowingly and willfully violating any provision punishable
20 under this paragraph, it shall be fined not less than \$1,000
21 and not more than \$10,000. If it is a domestic entity, it may
22 be ordered dissolved by a court of competent jurisdiction; if
23 it is a foreign or nonresident business entity, its right to
24 do 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 party, political committee, committee of continuous
28 existence, electioneering communications organization, or
29 organization exempt from taxation under s. 527 or s. 501(c)(4)
30 of the Internal Revenue Code, who aids, abets, advises, or
31 participates in a violation of any provision punishable under

1 | this paragraph commits a misdemeanor of the first degree,
2 | punishable as provided in s. 775.082 or s. 775.083.

3 | (b) Any person who knowingly and willfully makes or
4 | accepts two or more contributions in violation of subsection
5 | (1), subsection (2), or subsection~~(6)(5)~~ commits a felony of
6 | the third degree, punishable as provided in s. 775.082, s.
7 | 775.083, or s. 775.084. If any corporation, partnership, or
8 | other business entity or any political party, political
9 | committee, committee of continuous existence, or
10 | electioneering communications organization is convicted of
11 | knowingly and willfully violating any provision punishable
12 | under this paragraph, it shall be fined not less than \$10,000
13 | and not more than \$50,000. If it is a domestic entity, it may
14 | be ordered dissolved by a court of competent jurisdiction; if
15 | it is a foreign or nonresident business entity, its right to
16 | do business in this state may be forfeited. Any officer,
17 | partner, agent, attorney, or other representative of a
18 | corporation, partnership, or other business entity, or of a
19 | political committee, committee of continuous existence,
20 | political party, or electioneering communications
21 | organization, or organization exempt from taxation under s.
22 | 527 or s. 501(c)(4) of the Internal Revenue Code, who aids,
23 | abets, advises, or participates in a violation of any
24 | provision punishable under this paragraph commits a felony of
25 | the third degree, punishable as provided in s. 775.082, s.
26 | 775.083, or s. 775.084.

27 | ~~(9)(8)~~ Except when otherwise provided in subsection
28 | ~~(8)(7)~~, any person who knowingly and willfully violates any
29 | provision of this section shall, in addition to any other
30 | penalty prescribed by this chapter, pay to the state a sum
31 | equal to twice the amount contributed in violation of this

1 chapter. Each campaign treasurer shall pay all amounts
2 contributed in violation of this section to the state for
3 deposit in the General Revenue Fund.

4 (10)~~(9)~~ This section does not apply to the transfer of
5 funds between a primary campaign depository and a savings
6 account or certificate of deposit or to any interest earned on
7 such account or certificate.

8 Section 5. Section 106.087, Florida Statutes, is
9 amended to read:

10 106.087 Independent expenditures; contribution limits;
11 restrictions on political parties, ~~political committees, and~~
12 ~~committees of continuous existence.--~~

13 (1)~~(a)~~ As a condition of receiving a rebate of filing
14 fees and party assessment funds pursuant to s. 99.061(2), s.
15 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
16 treasurer of a state or county executive committee shall take
17 and subscribe to an oath or affirmation in writing. During the
18 qualifying period for state candidates and prior to
19 distribution of such funds, a printed copy of the oath or
20 affirmation shall be filed with the Secretary of State and
21 shall be substantially in the following form:

22
23 State of Florida

24 County of....

25 Before me, an officer authorized to administer oaths,
26 personally appeared ...(name)..., to me well known, who, being
27 sworn, says that he or she is the ...(title)... of the
28 ...(name of party)... ...(state or specified county)...
29 executive committee; that the executive committee has not
30 made, either directly or indirectly, an independent
31 expenditure in support of or opposition to a candidate or

1 ~~support of or opposition to a candidate or elected public~~
2 ~~official. However, expenditures may be made for the sole~~
3 ~~purpose of jointly endorsing three or more candidates.~~

4 ~~(b) Any political committee or committee of continuous~~
5 ~~existence that violates this subsection is liable for a civil~~
6 ~~fine of up to \$5,000 to be determined by the Florida Elections~~
7 ~~Commission or the entire amount of the expenditures, whichever~~
8 ~~is greater.~~

9 Section 6. For the purpose of incorporating the
10 amendments made by this act to sections 106.08 and 106.265,
11 Florida Statutes, in references thereto, subsections (1) and
12 (3) of section 106.19, Florida Statutes, are reenacted to
13 read:

14 106.19 Violations by candidates, persons connected
15 with campaigns, and political committees.--

16 (1) Any candidate; campaign manager, campaign
17 treasurer, or deputy treasurer of any candidate; committee
18 chair, vice chair, campaign treasurer, deputy treasurer, or
19 other officer of any political committee; agent or person
20 acting on behalf of any candidate or political committee; or
21 other person who knowingly and willfully:

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

24 (b) Fails to report any contribution required to be
25 reported by this chapter;

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

28 (d) Makes or authorizes any expenditure in violation
29 of s. 106.11(4) or any other expenditure prohibited by this
30 chapter;

31

1 is guilty of a misdemeanor of the first degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 (2) Any candidate, campaign treasurer, or deputy
4 treasurer; any chair, vice chair, or other officer of any
5 political committee; any agent or person acting on behalf of
6 any candidate or political committee; or any other person who
7 violates paragraph (1)(a), paragraph (1)(b), or paragraph
8 (1)(d) shall be subject to a civil penalty equal to three
9 times the amount involved in the illegal act. Such penalty
10 may be in addition to the penalties provided by subsection (1)
11 and shall be paid into the General Revenue Fund of this state.

12 (3) A political committee sponsoring a constitutional
13 amendment proposed by initiative which submits a petition form
14 gathered by a paid petition circulator which does not provide
15 the name and address of the paid petition circulator on the
16 form is subject to the civil penalties prescribed in s.
17 106.265.

18 Section 7. Subsection (6) of section 106.29, Florida
19 Statutes, is amended to read:

20 106.29 Reports by political parties; restrictions on
21 contributions and expenditures; penalties.--

22 (6)(a) The national, state, and county executive
23 committees of a political party, including any subordinate
24 committee of a national, state, or county executive committee
25 of a political party, may not contribute to any candidate any
26 amount in excess of the limits contained in s. 106.08(3) ~~s.~~
27 ~~106.08(2), and all contributions required to be reported under~~
28 ~~s. 106.08(2) by the national executive committee of a~~
29 ~~political party shall be reported by the state executive~~
30 ~~committee of that political party.~~

31

1 (b) A violation of the contribution limits contained
2 in s. 106.08(3) ~~s. 106.08(2)~~ is a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083. A
4 civil penalty equal to three times the amount in excess of the
5 limits contained in s. 106.08(3) ~~s. 106.08(2)~~ shall be
6 assessed against any executive committee found in violation
7 thereof.

8 Section 8. Sections 106.30, 106.31, 106.32, 106.33,
9 106.34, 106.35, 106.353, 106.355, and 106.36, Florida
10 Statutes, are repealed.

11 Section 9. Paragraph (b) of subsection (1) of section
12 106.07, Florida Statutes, is amended to read:

13 106.07 Reports; certification and filing.--

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

28 (b) Following the last day of qualifying for office,
29 any statewide or legislative candidate who has requested to
30 receive contributions from the Clean Money Election Campaign
31 Financing Trust Fund or any statewide or legislative candidate

1 in a race with a candidate who has requested to receive
2 contributions from the trust fund shall file reports on the
3 4th, 11th, 18th, 25th, and 32nd days prior to the primary
4 election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th,
5 and 53rd days prior to the general election.

6 Section 10. Subsection (4) of section 106.141, Florida
7 Statutes, is amended to read:

8 106.141 Disposition of surplus funds by candidates.--

9 (4)(a) Except as provided in paragraph (b), any
10 candidate required to dispose of funds pursuant to this
11 section shall, at the option of the candidate, dispose of such
12 funds by any of the following means, or any combination
13 thereof:

14 1. Return pro rata to each contributor the funds that
15 have not been spent or obligated.

16 2. Donate the funds that have not been spent or
17 obligated to a charitable organization or organizations that
18 meet the qualifications of s. 501(c)(3) of the Internal
19 Revenue Code.

20 3. Give not more than \$10,000 of the funds that have
21 not been spent or obligated to the political party of which
22 such candidate is a member, except that a candidate for the
23 Florida Senate may give not more than \$30,000 of such funds to
24 the political party of which the candidate is a member.

25 4. Give the funds that have not been spent or
26 obligated:

27 a. In the case of a candidate for state office, to the
28 state, to be deposited in either the Clean Money Election
29 ~~Campaign Financing~~ Trust Fund or the General Revenue Fund, as
30 designated by the candidate; or
31

1 b. In the case of a candidate for an office of a
2 political subdivision, to such political subdivision, to be
3 deposited in the general fund thereof.

4 (b) Any candidate required to dispose of funds
5 pursuant to this section who has received contributions from
6 the Clean Money ~~Election Campaign Financing~~ Trust Fund shall
7 return all surplus campaign funds to the Clean Money ~~Election~~
8 ~~Campaign Financing~~ Trust Fund.

9 Section 11. Subsection (6) of section 106.22, Florida
10 Statutes, is amended to read:

11 106.22 Duties of the Division of Elections.--It is the
12 duty of the Division of Elections to:

13 (6) Make, from time to time, audits and field
14 investigations with respect to reports and statements filed
15 under the provisions of this chapter and with respect to
16 alleged failures to file any report or statement required
17 under the provisions of this chapter. The division shall
18 conduct a postelection audit of the campaign accounts of all
19 candidates receiving contributions from the Clean Money
20 ~~Election Campaign Financing~~ Trust Fund.

21 Section 12. Subsections (3), (4), and (5) of section
22 106.265, Florida Statutes, are amended to read:

23 106.265 Civil penalties.--

24 (3)(a) Any civil penalty collected pursuant to the
25 provisions of this section shall be deposited into the Clean
26 Money ~~Election Campaign Financing~~ Trust Fund.

27 **~~(b)(4)~~** Notwithstanding any other provisions of this
28 chapter, any fine assessed pursuant to the provisions of this
29 chapter, which fine is designated to be deposited or which
30 would otherwise be deposited into the General Revenue Fund of
31

1 the state, shall be deposited into the Clean Money Election
2 ~~Campaign Financing~~ Trust Fund.

3 (c) A 10-percent surcharge shall be assessed against
4 each civil fine required to be deposited into the Clean Money
5 Trust Fund, and the funds from the surcharge shall also be
6 deposited into the Clean Money Trust Fund.

7 ~~(4)(5)~~ In any case in which the commission determines
8 that a person has filed a complaint against another person
9 with a malicious intent to injure the reputation of the person
10 complained against by filing the complaint with knowledge that
11 the complaint contains one or more false allegations or with
12 reckless disregard for whether the complaint contains false
13 allegations of fact material to a violation of this chapter or
14 chapter 104, the complainant shall be liable for costs and
15 reasonable attorney's fees incurred in the defense of the
16 person complained against, including the costs and reasonable
17 attorney's fees incurred in proving entitlement to and the
18 amount of costs and fees. If the complainant fails to pay such
19 costs and fees voluntarily within 30 days following such
20 finding by the commission, the commission shall forward such
21 information to the Department of Legal Affairs, which shall
22 bring a civil action in a court of competent jurisdiction to
23 recover the amount of such costs and fees awarded by the
24 commission.

25 Section 13. Subsection (13) of section 320.02, Florida
26 Statutes, is amended to read:

27 320.02 Registration required; application for
28 registration; forms.--

29 (13) The application form for motor vehicle
30 registration shall include language permitting a voluntary
31 contribution of \$5 per applicant, which contribution shall be

1 transferred into the Clean Money ~~Election Campaign Financing~~
2 Trust Fund. A statement providing an explanation of the
3 purpose of the trust fund shall also be included.

4 Section 14. Paragraph (a) of subsection (6) of section
5 322.08, Florida Statutes, is amended to read:

6 322.08 Application for license.--

7 (6) The application form for a driver's license or
8 duplicate thereof shall include language permitting the
9 following:

10 (a) A voluntary contribution of \$5 per applicant,
11 which contribution shall be transferred into the Clean Money
12 ~~Election Campaign Financing~~ Trust Fund.

13
14 A statement providing an explanation of the purpose of the
15 trust funds shall also be included. For the purpose of
16 applying the service charge provided in s. 215.20,
17 contributions received under paragraphs (c), (d), (e), and (f)
18 and under s. 322.18(9)(a) are not income of a revenue nature.

19 Section 15. Subsection (11) of section 328.72, Florida
20 Statutes, is amended to read:

21 328.72 Classification; registration; fees and charges;
22 surcharge; disposition of fees; fines; marine turtle
23 stickers.--

24 (11) VOLUNTARY CONTRIBUTIONS.--The application form
25 for boat registration shall include a provision to allow each
26 applicant to indicate a desire to pay an additional voluntary
27 contribution to the Save the Manatee Trust Fund to be used for
28 the purposes specified in s. 370.12(4). This contribution
29 shall be in addition to all other fees and charges. The amount
30 of the request for a voluntary contribution solicited shall be
31 \$2 or \$5 per registrant. A registrant who provides a

1 | voluntary contribution of \$5 or more shall be given a sticker
2 | or emblem by the tax collector to display, which signifies
3 | support for the Save the Manatee Trust Fund. All voluntary
4 | contributions shall be deposited in the Save the Manatee Trust
5 | Fund and shall be used for the purposes specified in s.
6 | 370.12(4). The form shall also include language permitting a
7 | voluntary contribution of \$5 per applicant, which contribution
8 | shall be transferred into the Clean Money Election Campaign
9 | ~~Financing~~ Trust Fund. A statement providing an explanation of
10 | the purpose of the trust fund shall also be included.

11 | Section 16. Subsection (1) of section 607.1622,
12 | Florida Statutes, is amended to read:

13 | 607.1622 Annual report for Department of State.--

14 | (1) Each domestic corporation and each foreign
15 | corporation authorized to transact business in this state
16 | shall deliver to the Department of State for filing a sworn
17 | annual report on such forms as the Department of State
18 | prescribes that sets forth:

19 | (a) The name of the corporation and the state or
20 | country under the law of which it is incorporated;

21 | (b) The date of incorporation or, if a foreign
22 | corporation, the date on which it was admitted to do business
23 | in this state;

24 | (c) The address of its principal office and the
25 | mailing address of the corporation;

26 | (d) The corporation's federal employer identification
27 | number, if any, or, if none, whether one has been applied for;

28 | (e) The names and business street addresses of its
29 | directors and principal officers;

30 | (f) The street address of its registered office and
31 | the name of its registered agent at that office in this state;

1 (g) Language permitting a voluntary contribution of \$5
2 per taxpayer, which contribution shall be transferred into the
3 ~~Clean Money Election Campaign Financing~~ Trust Fund. A
4 statement providing an explanation of the purpose of the trust
5 fund shall also be included; and

6 (h) Such additional information as may be necessary or
7 appropriate to enable the Department of State to carry out the
8 provisions of this act.

9 Section 17. For the purpose of incorporating the
10 amendment made by this act to section 106.265, Florida
11 Statutes, in a reference thereto, subsection (8) of section
12 106.143, Florida Statutes, is reenacted to read:

13 106.143 Political advertisements circulated prior to
14 election; requirements.--

15 (8) Any person who willfully violates any provision of
16 this section is subject to the civil penalties prescribed in
17 s. 106.265.

18 Section 18. If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 invalidity shall not affect other provisions or applications
21 of the act which can be given effect without the invalid
22 provision or application, and to this end the provisions of
23 this act are declared severable.

24 Section 19. This act shall take effect July 1, 2007,
25 if Senate Bill ____ or similar legislation creating the Clean
26 Money Trust Fund is adopted in the same legislative session or
27 an extension thereof and becomes law.

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SENATE SUMMARY

Creates the Florida Clean Elections Act. Provides funding sources for, and restrictions on campaigning by, candidates for statewide office and legislative office.