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CHAMBER ACTION

Senate

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House

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1 Senator Siplin moved the following **amendment**:

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3 **Senate Amendment (with title amendment)**

4 Delete line(s) 620-801

5 and insert:

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7 Section 7. Section 106.071, Florida Statutes, is amended to
8 read:

9 106.071 Independent expenditures; electioneering
10 communications; reports; disclaimers.--

11 (1) Each person who makes an independent expenditure with
12 respect to any candidate or issue, and each individual who makes
13 an expenditure for an electioneering communication which is not
14 otherwise reported pursuant to this chapter, which expenditure,
15 in the aggregate, is in the amount of \$100 or more, shall file
16 periodic reports of such expenditures in the same manner, at the
17 same time, subject to the same penalties, and with the same



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18 officer as a political committee supporting or opposing such
19 candidate or issue. The report shall contain the full name and
20 address of the person making the expenditure; the full name and
21 address of each person to whom and for whom each such expenditure
22 has been made; the amount, date, and purpose of each such
23 expenditure; a description of the services or goods obtained by
24 each such expenditure; the issue to which the expenditure
25 relates; and the name and address of, and office sought by, each
26 candidate on whose behalf such expenditure was made.

27 (2) Any political advertisement paid for by an independent
28 expenditure shall prominently state "Paid political advertisement
29 paid for by (Name and address of person paying for
30 advertisement) independently of any (candidate or committee)
31 ."

32 (3) Subsection (2) does not apply to novelty items having a
33 retail value of \$10 or less which support, but do not oppose, a
34 candidate or issue.

35 ~~(4) Any person who fails to include the disclaimer~~
36 ~~prescribed in subsection (2) in any political advertisement that~~
37 ~~is required to contain such disclaimer commits a misdemeanor of~~
38 ~~the first degree, punishable as provided in s. 775.082 or s.~~
39 ~~775.083.~~

40 Section 8. Subsection (3) and paragraph (b) of subsection
41 (6) of section 106.08, Florida Statutes, are amended to read:

42 106.08 Contributions; limitations on.--

43 (3)(a) Any contribution received by a candidate with
44 opposition in an election or by the campaign treasurer or a
45 deputy campaign treasurer of such a candidate on the day of that
46 election or less than 5 days prior to the day of that election
47 must be returned by him or her to the person or committee



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48 contributing it and may not be used or expended by or on behalf
49 of the candidate.

50 (b) ~~Except as otherwise provided in paragraph (c),~~ Any
51 contribution received by a candidate or by the campaign treasurer
52 or a deputy campaign treasurer of a candidate after the date at
53 which the candidate withdraws his or her candidacy, or after the
54 date the candidate is defeated, becomes unopposed, or is elected
55 to office, must be returned to the person or committee
56 contributing it and may not be used or expended by or on behalf
57 of the candidate.

58 ~~(c) With respect to any campaign for an office in which an~~
59 ~~independent or minor party candidate has filed as required in s.~~
60 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
61 ~~determination by the Department of State or supervisor of~~
62 ~~elections as to whether or not the required number of petition~~
63 ~~signatures was obtained:~~

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

67 2. ~~Any contribution received by a candidate or the campaign~~
68 ~~treasurer or deputy campaign treasurer of a candidate after the~~
69 ~~candidate has been notified in writing by the department or~~
70 ~~supervisor that he or she has become unopposed as a result of an~~
71 ~~independent or minor party candidate failing to obtain the~~
72 ~~required number of petition signatures shall be returned to the~~
73 ~~person, political committee, or committee of continuous existence~~
74 ~~contributing it and shall not be used or expended by or on behalf~~
75 ~~of the candidate.~~

76 (6)



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77 (b)1. A political party may not accept any in-kind
78 contribution that fails to provide a direct benefit to the
79 political party. A "direct benefit" includes, but is not limited
80 to, fundraising or furthering the objectives of the political
81 party.

82 2.a. An in-kind contribution to a state political party may
83 be accepted only by the chairperson of the state political party
84 or by the chairperson's designee or designees whose names are on
85 file with the division in a form acceptable to the division prior
86 to the date of the written notice required in sub-subparagraph b.
87 An in-kind contribution to a county political party may be
88 accepted only by the chairperson of the county political party or
89 by the county chairperson's designee or designees whose names are
90 on file with the supervisor of elections of the respective county
91 prior to the date of the written notice required in sub-
92 subparagraph b.

93 b. A person making an in-kind contribution to a state
94 political party or county political party must provide prior
95 written notice of the contribution to a person described in sub-
96 subparagraph a. The prior written notice must be signed and dated
97 and may be provided by an electronic or facsimile message.
98 However, prior written notice is not required for an in-kind
99 contribution that consists of food and beverage in an aggregate
100 amount not exceeding \$1,500 which is consumed at a single sitting
101 or event if such in-kind contribution is accepted in advance by a
102 person specified in sub-subparagraph a.

103 c. A person described in sub-subparagraph a. may accept an
104 in-kind contribution requiring prior written notice only in a
105 writing that is ~~signed and~~ dated before the in-kind contribution
106 is made. Failure to obtain the required written acceptance of an



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107 in-kind contribution to a state or county political party
108 constitutes a refusal of the contribution.

109 d. A copy of each prior written acceptance required under
110 sub-subparagraph c. must be filed with the division for a state
111 executive committee, or with the supervisor of elections for a
112 county executive committee, at the time the regular reports of
113 contributions and expenditures required under s. 106.29 are filed
114 by the state executive committee and county executive committee.

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

118 Section 9. Paragraph (b) of subsection (1) and paragraph
119 (a) of subsection (2) of section 106.11, Florida Statutes, are
120 amended to read:

121 106.11 Expenses of and expenditures by candidates and
122 political committees.--Each candidate and each political
123 committee which designates a primary campaign depository pursuant
124 to s. 106.021(1) shall make expenditures from funds on deposit in
125 such primary campaign depository only in the following manner,
126 with the exception of expenditures made from petty cash funds
127 provided by s. 106.12:

128 (1)

129 (b) The checks for such account shall contain, as a
130 minimum, the following information:

131 1. The statement "~~Campaign Account of~~ (Name of candidate or
132 political committee) Campaign Account."

133 2. The account number and the name of the bank.

134 3. The exact amount of the expenditure.

135 4. The signature of the campaign treasurer or deputy
136 treasurer.



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137 5. The exact purpose for which the expenditure is
138 authorized.

139 6. The name of the payee.

140 (2) (a) For purposes of this section, debit cards are
141 considered bank checks, if:

142 1. Debit cards are obtained from the same bank that has
143 been designated as the candidate's or political committee's
144 primary campaign depository.

145 2. Debit cards are issued in the name of the treasurer,
146 deputy treasurer, or authorized user and state "~~Campaign Account~~
147 ~~of~~ (Name of candidate or political committee) Campaign Account."

148 3. No more than three debit cards are requested and issued.

149 ~~4. Before a debit card is used, a list of all persons~~
150 ~~authorized to use the card is filed with the division.~~

151 ~~5. All debit cards issued to a candidate's campaign or a~~
152 ~~political committee expire no later than midnight of the last day~~
153 ~~of the month of the general election.~~

154 ~~4.6.~~ The person using the debit card does not receive cash
155 as part of, or independent of, any transaction for goods or
156 services.

157 ~~5.7.~~ All receipts for debit card transactions contain:

158 a. The last four digits of the debit card number.

159 b. The exact amount of the expenditure.

160 c. The name of the payee.

161 d. The signature of the campaign treasurer, deputy
162 treasurer, or authorized user.

163 e. The exact purpose for which the expenditure is
164 authorized.

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166 Any information required by this subparagraph but not included on
167 the debit card transaction receipt may be handwritten on, or
168 attached to, the receipt by the authorized user before submission
169 to the treasurer.

170 Section 10. Paragraph (b) of subsection (4) of section
171 106.141, Florida Statutes, is amended to read:

172 106.141 Disposition of surplus funds by candidates.--

173 (4)

174 (b) Any candidate required to dispose of funds pursuant to
175 this section who has received contributions from the Election
176 Campaign Financing Trust Fund shall, after all payments under s.
177 106.11(5)(a)-(c) have been made, return all surplus campaign
178 funds to the Election Campaign Financing Trust Fund.

179 Section 11. Paragraph (a) of subsection (1) of section
180 106.143, Florida Statutes, is amended to read:

181 106.143 Political advertisements circulated prior to
182 election; requirements.--

183 (1)(a) Any political advertisement that is paid for by a
184 candidate and that is published, displayed, or circulated prior
185 to, or on the day of, any election must prominently state:
186 "Political advertisement paid for and approved by (name of
187 candidate) , (party affiliation) , for (office sought) ."
188 Nonpartisan candidates shall omit the reference to party
189 affiliation in all such political advertisements.

190
191 This subsection does not apply to campaign messages used by a
192 candidate and the candidate's supporters if those messages are
193 designed to be worn by a person.

194 Section 12. Section 106.14325, Florida Statutes, is created
195 to read:



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196 106.14325 Candidate website.--Any Internet website that is
197 authorized, approved, or operated by a candidate that is not a
198 political advertisement or electioneering communication but
199 identifies the candidate and the office he or she is seeking
200 shall prominently state on each webpage of the website that
201 identifies the candidate and the office being sought: "This
202 website approved by (name of candidate) , (party
203 affiliation, if any) , for (office sought) ." If the website
204 is a political advertisement or electioneering communication, it
205 shall comply with the requirements of s. 106.143 or s. 106.1439,
206 respectively.

207 Section 13. Section 106.1437, Florida Statutes, is amended
208 to read:

209 106.1437 Miscellaneous advertisements.--Any advertisement,
210 other than a political advertisement, independent expenditure, or
211 electioneering communication, on billboards, bumper stickers,
212 radio, or television, ~~or~~ in a newspaper, a magazine, or a
213 periodical, or on the Internet intended to influence public
214 policy or the vote of a public official, shall clearly designate
215 the sponsor of such advertisement by including a clearly readable
216 statement of sponsorship. If the advertisement is broadcast on
217 television, the advertisement shall also contain a verbal
218 statement of sponsorship. This section shall not apply to an
219 editorial endorsement.

220 Section 14. Section 106.1439, Florida Statutes, is amended
221 to read:

222 106.1439 Electioneering communications; disclaimers.--
223 ~~(1)~~ Any electioneering communication shall prominently
224 state: "Paid electioneering communication paid for by (Name and
225 address of person paying for the communication) ."



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226 ~~(2) Any person who fails to include the disclaimer~~
 227 ~~prescribed in this section in any electioneering communication~~
 228 ~~that is required to contain such disclaimer commits a misdemeanor~~
 229 ~~of the first degree, punishable as provided in s. 775.082 or s.~~
 230 ~~775.083.~~

231
 232 ===== T I T L E A M E N D M E N T =====

233 And the title is amended as follows:

234 Delete line(s) 28-45

235 and insert:

236
 237 timely filed reports; amending s. 106.071, F.S.;

238 deleting the penalty provision for failing to provide a

239 disclaimer in a political advertisement paid for by an

240 independent expenditure; amending s. 106.08, F.S.;

241 deleting notification requirements relating to pending

242 qualification of independent or minor party candidates;

243 deleting a requirement that certain contributions be

244 returned when a candidate becomes unopposed; revising

245 application of certain in-kind contribution reporting

246 requirements; amending s. 106.11, F.S.; revising

247 information required on campaign checks; revising

248 criteria under which debit cards are considered bank

249 checks; amending s. 106.141, F.S.; revising a

250 requirement for returning surplus campaign funds;

251 amending s. 106.143, F.S.; providing for omission of

252 party affiliation references in political

253 advertisements of nonpartisan candidates; creating s.

254 106.14325, F.S.; requiring certain candidate websites

255 to comply with specified notice requirements; amending



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256 | s. 106.1437, F.S.; requiring certain Internet
257 | advertisements to include sponsorship statements;
258 | amending s. 106.1439, F.S.; deleting the penalty
259 | provision for failing to provide a disclaimer in an
260 | electioneering communication; amending s. 106.29, F.S.;
261 | revising report