

HB 1155

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1 A bill to be entitled
2 An act relating to campaign financing; amending s.
3 106.011, F.S.; revising a definition; amending s. 106.022,
4 F.S.; revising requirements for filing statements of
5 appointment of registered agent and office; amending s.
6 106.03, F.S.; revising certain registration requirements
7 for political committees; applying registration
8 requirements to electioneering communications
9 organizations; amending s. 106.04, F.S.; revising
10 reporting requirements for committees of continuous
11 existence; revising fines for failure to file certain
12 reports; revising requirements for depositing fine
13 proceeds; revising certain notice filing requirements;
14 amending s. 106.07, F.S.; revising campaign finance report
15 filing dates and required information; revising certain
16 notice requirements; requiring certain political
17 committees to file campaign treasurer's reports with local
18 or municipal filing officers under certain circumstances;
19 deleting a requirement that campaign depositories return
20 certain checks to campaign treasurers; deleting a
21 prohibition against assessing separate fines for failing
22 to file copies of reports, to conform; expanding
23 application of certain late reporting fines; providing for
24 sufficiency of certain notices; amending s. 106.0705,
25 F.S.; requiring certain reports relating to disposition of
26 surplus campaign funds to be filed with the division
27 electronically; deleting an obsolete provision relating to
28 timely filed reports; amending s. 106.08, F.S.; deleting

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

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29 notification requirements relating to pending
30 qualification of independent or minor party candidates;
31 deleting a requirement that certain contributions be
32 returned when a candidate becomes unopposed; revising
33 application of certain in-kind contribution reporting
34 requirements; amending s. 106.11, F.S.; revising
35 information required on campaign checks; revising criteria
36 under which debit cards are considered bank checks;
37 amending s. 106.141, F.S.; revising a requirement for
38 returning surplus campaign funds; amending s. 106.143,
39 F.S.; providing for omission of party affiliation
40 references in political advertisements of nonpartisan
41 candidates; creating s. 106.14325, F.S.; requiring certain
42 candidate websites to comply with specified notice
43 requirements; amending s. 106.1437, F.S.; requiring
44 certain Internet advertisements to include sponsorship
45 statements; amending s. 106.29, F.S.; revising report
46 filing requirements for political parties; deleting a
47 prohibition against assessing separate fines for failing
48 to file copies of reports, to conform; providing for
49 sufficiency of certain notices; amending s. 106.35, F.S.;
50 revising criteria for rule adoption by the Division of
51 Elections relating to election campaign financing
52 reporting; deleting a requirement that certain
53 electronically transmitted reports be filed in printed
54 format; providing an effective date.

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

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

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

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

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

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

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

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

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

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors; ~~or-~~

3. The sponsor of a petition-revocation form for a proposed constitutional amendment by initiative who intends to

85 seek the signatures of registered electors who signed the
 86 initiative petition form.

87 Section 2. Subsections (1) and (3) of section 106.022,
 88 Florida Statutes, are amended to read:

89 106.022 Appointment of a registered agent; duties.--

90 (1) Each political committee, committee of continuous
 91 existence, or electioneering communications organization shall
 92 have and continuously maintain in this state a registered office
 93 and a registered agent and must file with the filing officer
 94 ~~division~~ a statement of appointment for the registered office
 95 and registered agent. The statement of appointment must:

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

98 (b) Identify the entity for whom the registered agent
 99 serves;

100 (c) Designate the address the registered agent wishes to
 101 use to receive mail;

102 (d) Include the entity's undertaking to inform the filing
 103 officer ~~division~~ of any change in such designated address;

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

108 (f) Contain the signature of the registered agent and the
 109 entity engaging the registered agent.

110 (3) A registered agent may resign his or her appointment
 111 as registered agent by executing a written statement of
 112 resignation and filing it with the filing officer ~~division~~. An

113 entity without a registered agent may not make expenditures or
 114 accept contributions until it files a written statement of
 115 change as required in subsection (2).

116 Section 3. Subsections (2), (4), and (7) of section
 117 106.03, Florida Statutes, are amended to read:

118 106.03 Registration of political committees and
 119 electioneering communications organizations.--

120 (2) The statement of organization shall include:

121 (a) The name, mailing address, and street address of the
 122 committee or electioneering communications organization;

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

125 (c) The area, scope, or jurisdiction of the committee or
 126 electioneering communications organization;

127 (d) The name, mailing address, street address, and
 128 position of the custodian of books and accounts;

129 (e) The name, mailing ~~street~~ address, and position of
 130 other principal officers, including the treasurer and deputy
 131 treasurers ~~officers and members of the finance committee~~, if
 132 any;

133 (f) A statement indicating whether the committee supports
 134 candidates, issues, or both ~~The name, address, office sought,~~
 135 ~~and party affiliation of:~~

136 1. ~~Each candidate whom the committee is supporting;~~

137 2. ~~Any other individual, if any, whom the committee is~~
 138 ~~supporting for nomination for election, or election, to any~~
 139 ~~public office whatever;~~

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140 (g) A statement indicating whether the committee is being
141 organized to collect signatures of registered electors in
142 support of an initiative petition or to revoke registered
143 electors' signatures on an initiative petition ~~Any issue or~~
144 ~~issues such organization is supporting or opposing;~~

145 ~~(h) If the committee is supporting the entire ticket of~~
146 ~~any party, a statement to that effect and the name of the party;~~

147 ~~(i) A statement of whether the committee is a continuing~~
148 ~~one;~~

149 (h)(j) Plans for the disposition of residual funds which
150 will be made in the event of dissolution;

151 (i)(k) A listing of all banks, safe-deposit boxes, or
152 other depositories used for committee or electioneering
153 communications organization funds; and

154 (j)(l) A statement of the reports required to be filed by
155 the committee or electioneering communications organization with
156 federal officials, if any, and the names, addresses, and
157 positions of such officials.

158 (4) Any change in information previously submitted ~~in a~~
159 ~~statement of organization shall be reported~~ to the agency or
160 officer with whom such political committee or electioneering
161 communications organization is required to register must be
162 reported pursuant to subsection (3), within 10 days following
163 the change.

164 (7) The Division of Elections shall adopt ~~promulgate~~ rules
165 to prescribe the manner in which ~~inactive~~ committees and
166 electioneering communications organizations may be dissolved and

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167 have their registration canceled. Such rules shall, at a
 168 minimum, provide for:

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

172 (b) Adequate opportunity to respond.

173 (c) Appeal of the decision to the Florida Elections
 174 Commission. Such appeals shall be exempt from the
 175 confidentiality provisions of s. 106.25.

176 Section 4. Paragraphs (b) and (c) of subsection (4) and
 177 subsections (7) and (8) of section 106.04, Florida Statutes, are
 178 amended to read:

179 106.04 Committees of continuous existence.--

180 (4)

181 (b)1. Each committee of continuous existence shall file
 182 regular reports with the Division of Elections in accordance
 183 with s. 106.0705 at the same times and subject to the same
 184 filing conditions as are established by s. 106.07(1) and (2) for
 185 candidates' reports. In addition, all committees of continuous
 186 existence that make contributions or expenditures to influence
 187 the results of a county, municipal, or district election that is
 188 not being held at the same time as a state or federal election
 189 shall file campaign treasurer's reports with the local or
 190 municipal filing officer on the dates set by the filing officer
 191 for that election. Such contributions and expenditures shall
 192 also be included in the next report following the county,
 193 municipal, or district election filed pursuant to this section
 194 with the Division of Elections pursuant to this section.

195 2. Any committee of continuous existence failing to so
 196 file a report with the Division of Elections or the applicable
 197 filing officer pursuant to this paragraph on the designated due
 198 date shall be subject to a fine for late filing as provided by
 199 this section.

200 (c) ~~All committees of continuous existence shall file~~
 201 ~~their reports with the Division of Elections. Reports filed~~
 202 pursuant to subparagraph (b)1. shall be filed in accordance with
 203 ~~s. 106.0705~~ and shall contain the following information:

204 1. The full name, address, and occupation of each person
 205 who has made one or more contributions, including contributions
 206 that represent the payment of membership dues, to the committee
 207 during the reporting period, together with the amounts and dates
 208 of such contributions. For corporations, the report must provide
 209 as clear a description as practicable of the principal type of
 210 business conducted by the corporation. However, if the
 211 contribution is \$100 or less, the occupation of the contributor
 212 or principal type of business need not be listed. However, for
 213 any contributions that represent the payment of dues by members
 214 in a fixed amount aggregating no more than \$250 per calendar
 215 year, pursuant to the schedule on file with the Division of
 216 Elections, only the aggregate amount of such contributions need
 217 be listed, together with the number of members paying such dues
 218 and the amount of the membership dues.

219 2. The name and address of each political committee or
 220 committee of continuous existence from which the reporting
 221 committee received, or the name and address of each political
 222 committee, committee of continuous existence, or political party

223 to which it made, any transfer of funds, together with the
 224 amounts and dates of all transfers.

225 3. Any other receipt of funds not listed pursuant to
 226 subparagraph 1. or subparagraph 2., including the sources and
 227 amounts of all such funds.

228 4. The name and address of, and office sought by, each
 229 candidate to whom the committee has made a contribution during
 230 the reporting period, together with the amount and date of each
 231 contribution.

232 5. The full name and address of each person to whom
 233 expenditures have been made by or on behalf of the committee
 234 within the reporting period; the amount, date, and purpose of
 235 each such expenditure; and the name and address, and office
 236 sought by, each candidate on whose behalf such expenditure was
 237 made.

238 6. The full name and address of each person to whom an
 239 expenditure for personal services, salary, or reimbursement for
 240 authorized expenses has been made, including the full name and
 241 address of each entity to whom the person made payment for which
 242 reimbursement was made by check drawn upon the committee
 243 account, together with the amount and purpose of such payment.

244 7. Transaction information from each credit card statement
 245 that will be included in the next report following receipt
 246 thereof by the committee. Receipts for each credit card purchase
 247 shall be retained by the treasurer with the records for the
 248 committee account.

249 8. The total sum of expenditures made by the committee
 250 during the reporting period.

251 (7) Any change in information previously submitted to the
 252 division must be reported to the division within 10 days
 253 following the change. ~~If a committee of continuous existence~~
 254 ~~ceases to meet the criteria prescribed by subsection (1), the~~
 255 ~~Division of Elections shall revoke its certification until such~~
 256 ~~time as the criteria are again met.~~ The Division of Elections
 257 shall adopt ~~promulgate~~ rules to prescribe the manner in which
 258 the ~~such~~ certification of a committee of continuous existence
 259 shall be revoked. Such rules shall, at a minimum, provide for:
 260 (a) Notice, which shall contain the facts and conduct that
 261 warrant the intended action, including, but not limited to, a
 262 failure to file any report.
 263 (b) Adequate opportunity to respond.
 264 (c) Appeal of the decision to the Florida Elections
 265 Commission. Such appeals shall be exempt from the
 266 confidentiality provisions of s. 106.25.
 267 (8) (a) Any committee of continuous existence failing to
 268 file a report on the designated due date shall be subject to a
 269 fine. The fine shall be \$50 per day for the first 3 days late
 270 and, thereafter, \$500 per day for each late day, not to exceed
 271 25 percent of the total receipts or expenditures, whichever is
 272 greater, for the period covered by the late report. However, for
 273 the reports immediately preceding each primary and general
 274 election, including a special primary election and a special
 275 general election, the fine shall be \$500 per day for each late
 276 day, not to exceed 25 percent of the total receipts or
 277 expenditures, whichever is greater, for the period covered by

278 | the late report. The fine shall be assessed by the filing
 279 | officer, and the moneys collected shall be deposited;

280 | 1. In the General Revenue Fund in the case of a report
 281 | that is required to be filed with the Division of Elections; or

282 | 2. In the general revenue fund of the political
 283 | subdivision in the case of a report that is required to be filed
 284 | with a local or municipal filing officer. ~~No separate fine shall~~
 285 | ~~be assessed for failure to file a copy of any report required by~~
 286 | ~~this section.~~

287 | (b) Upon determining that a report is late, the filing
 288 | officer shall immediately notify the ~~treasurer of the~~ committee
 289 | as to the failure to file a report by the designated due date
 290 | and that a fine is being assessed for each late day. Upon
 291 | receipt of the report, the filing officer shall determine the
 292 | amount of fine that ~~which~~ is due and shall notify the ~~treasurer~~
 293 | ~~of~~ the committee. The filing officer shall determine the amount
 294 | of the fine due based upon the earliest of the following:

- 295 | 1. When the report is actually received by such officer.
- 296 | 2. When the report is postmarked.
- 297 | 3. When the certificate of mailing is dated.
- 298 | 4. When the receipt from an established courier company is
- 299 | dated.

300 |
 301 | Such fine shall be paid to the filing officer within 20 days
 302 | after receipt of the notice of payment due, unless appeal is
 303 | made to the Florida Elections Commission pursuant to paragraph
 304 | (c). An officer or member of a committee shall not be personally
 305 | liable for such fine.

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306 (c) Any ~~treasurer of a~~ committee may appeal or dispute the
307 fine, based upon unusual circumstances surrounding the failure
308 to file on the designated due date, and may request and shall be
309 entitled to a hearing before the Florida Elections Commission,
310 which shall have the authority to waive the fine in whole or in
311 part. Any such request shall be made in writing within 20 days
312 after receipt of the notice of payment due. ~~In such case, the~~
313 ~~treasurer of~~ The committee shall file a copy of the appeal with,
314 ~~within the 20 day period, notify~~ the filing officer ~~in writing~~
315 ~~of his or her intention to bring the matter before the~~
316 ~~commission.~~

317 (d) The filing officer shall notify the Florida Elections
318 Commission of the repeated late filing by a committee of
319 continuous existence, the failure of a committee of continuous
320 existence to file a report after notice, or the failure to pay
321 the fine imposed. For purposes of this section, notice is deemed
322 sufficient upon proof of delivery of written notice to the
323 mailing or street address of record on file with the filing
324 officer for the chair, treasurer, or registered agent of the
325 committee of continuous existence.

326 Section 5. Subsections (1) through (4), (6), and (8) of
327 section 106.07, Florida Statutes, are amended to read:

328 106.07 Reports; certification and filing.--

329 (1) Each campaign treasurer designated by a candidate or
330 political committee pursuant to s. 106.021 shall file regular
331 reports of all contributions received, and all expenditures
332 made, by or on behalf of such candidate or political committee.
333 Except for the third calendar quarter immediately preceding a

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334 general election, reports shall be filed on the 10th day
335 following the end of each calendar quarter from the time the
336 campaign treasurer is appointed, except that, if the 10th day
337 following the end of a calendar quarter occurs on a Saturday,
338 Sunday, or legal holiday, the report shall be filed on the next
339 following day which is not a Saturday, Sunday, or legal holiday.
340 Quarterly reports shall include all contributions received and
341 expenditures made during the calendar quarter which have not
342 otherwise been reported pursuant to this section.

343 (a) Except as provided in paragraph (b), ~~following the~~
344 ~~last day of qualifying for office~~, the reports shall also be
345 filed on the 32nd, 18th, and 4th days immediately preceding the
346 primary ~~and on the 46th, 32nd, 18th, and 4th days immediately~~
347 ~~preceding the election~~, for a candidate who is opposed in
348 seeking nomination or election to any office, for a political
349 committee, or for a committee of continuous existence. Following
350 the primary, reports shall be filed on the 46th, 32nd, 18th, and
351 4th days immediately preceding the election for a candidate who
352 is opposed in seeking election to any office, for a political
353 committee, or for a committee of continuous existence.

354 (b) ~~Following the last day of qualifying for office~~, Any
355 statewide candidate who has requested to receive contributions
356 from the Election Campaign Financing Trust Fund or any statewide
357 candidate in a race with a candidate who has requested to
358 receive contributions from the trust fund shall also file
359 reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the
360 primary election, ~~and on the 4th, 11th, 18th, 25th, 32nd, 39th,~~
361 46th, and 53rd days prior to the general election.

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362 (c) Following the last day of qualifying for office, any
363 unopposed candidate need only file a report within 90 days after
364 the date such candidate became unopposed. Such report shall
365 contain all previously unreported contributions and expenditures
366 as required by this section and shall reflect disposition of
367 funds as required by s. 106.141.

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

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

379 (e) The filing officer shall provide each candidate with a
380 schedule designating the beginning and end of reporting periods
381 as well as the corresponding designated due dates.

382 (2) (a) All reports required of a candidate by this section
383 shall be filed with the officer before whom the candidate is
384 required by law to qualify. All candidates who file with the
385 Department of State shall file their reports pursuant to s.
386 106.0705. Except as provided in s. 106.0705, reports shall be
387 filed not later than 5 p.m. of the day designated; however, any
388 report postmarked by the United States Postal Service no later
389 than midnight of the day designated shall be deemed to have been

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390 filed in a timely manner. Any report received by the filing
391 officer within 5 days after the designated due date that was
392 delivered by the United States Postal Service shall be deemed
393 timely filed unless it has a postmark that indicates that the
394 report was mailed after the designated due date. A certificate
395 of mailing obtained from and dated by the United States Postal
396 Service at the time of mailing, or a receipt from an established
397 courier company, which bears a date on or before the date on
398 which the report is due, shall be proof of mailing in a timely
399 manner. Reports shall contain information of all previously
400 unreported contributions received and expenditures made as of
401 the preceding Friday, except that the report filed on the Friday
402 immediately preceding the election shall contain information of
403 all previously unreported contributions received and
404 expenditures made as of the day preceding that designated due
405 date. All such reports shall be open to public inspection.

406 (b)~~1~~. Any report that ~~which~~ is deemed to be incomplete by
407 the officer with whom the candidate qualifies shall be accepted
408 on a conditional basis, and the campaign treasurer shall be
409 notified in writing, in person, or by telephone ~~registered mail~~
410 as to why the report is incomplete and be given 7 ~~3~~ days from
411 receipt of such notice to file an addendum to the report
412 providing all information necessary to complete the report in
413 compliance with this section. Failure to file a complete report
414 after such notice constitutes a violation of this chapter.

415 ~~2. In lieu of the notice by registered mail as required in~~
416 ~~subparagraph 1., the qualifying officer may notify the campaign~~
417 ~~treasurer by telephone that the report is incomplete and request~~

418 ~~the information necessary to complete the report. If, however,~~
 419 ~~such information is not received by the qualifying officer~~
 420 ~~within 3 days after the telephone request therefor, notice shall~~
 421 ~~be sent by registered mail as provided in subparagraph 1.~~

422 (3)(a) Reports required of a political committee shall be
 423 filed with the agency or officer before whom such committee
 424 registers pursuant to s. 106.03(3) and shall be subject to the
 425 same filing conditions as established for candidates' reports.
 426 Incomplete reports by political committees shall be treated in
 427 the manner provided for incomplete reports by candidates in
 428 subsection (2).

429 (b) In addition to the reports required by paragraph (a),
 430 all political committees registered with the Division of
 431 Elections that make contributions or expenditures to influence
 432 the results of a local or municipal election that is not being
 433 held at the same time as a state or federal election shall file
 434 campaign treasurer's reports with the local or municipal filing
 435 officer on the dates set by the filing officer for that
 436 election. Such contributions and expenditures shall also be
 437 included in the next report following the local or municipal
 438 election filed pursuant to this section with the Division of
 439 Elections.

440 (4)(a) Each report required by this section shall contain:
 441 1. The full name, address, and occupation, if any, of each
 442 person who has made one or more contributions to or for such
 443 committee or candidate within the reporting period, together
 444 with the amount and date of such contributions. For
 445 corporations, the report must provide as clear a description as

446 practicable of the principal type of business conducted by the
447 corporation. However, if the contribution is \$100 or less or is
448 from a relative, as defined in s. 112.312, provided that the
449 relationship is reported, the occupation of the contributor or
450 the principal type of business need not be listed.

451 2. The name and address of each political committee from
452 which the reporting committee or the candidate received, or to
453 which the reporting committee or candidate made, any transfer of
454 funds, together with the amounts and dates of all transfers.

455 3. Each loan for campaign purposes to or from any person
456 or political committee within the reporting period, together
457 with the full names, addresses, and occupations, and principal
458 places of business, if any, of the lender and endorsers, if any,
459 and the date and amount of such loans.

460 4. A statement of each contribution, rebate, refund, or
461 other receipt not otherwise listed under subparagraphs 1.
462 through 3.

463 5. The total sums of all loans, in-kind contributions, and
464 other receipts by or for such committee or candidate during the
465 reporting period. The reporting forms shall be designed to
466 elicit separate totals for in-kind contributions, loans, and
467 other receipts.

468 6. The full name and address of each person to whom
469 expenditures have been made by or on behalf of the committee or
470 candidate within the reporting period; the amount, date, and
471 purpose of each such expenditure; and the name and address of,
472 and office sought by, each candidate on whose behalf such
473 expenditure was made. However, expenditures made from the petty

474 cash fund provided by s. 106.12 need not be reported
475 individually.

476 7. The full name and address of each person to whom an
477 expenditure for personal services, salary, or reimbursement for
478 authorized expenses as provided in s. 106.021(3) has been made
479 and which is not otherwise reported, including the amount, date,
480 and purpose of such expenditure. However, expenditures made from
481 the petty cash fund provided for in s. 106.12 need not be
482 reported individually.

483 8. The total amount withdrawn and the total amount spent
484 for petty cash purposes pursuant to this chapter during the
485 reporting period.

486 9. The total sum of expenditures made by such committee or
487 candidate during the reporting period.

488 10. The amount and nature of debts and obligations owed by
489 or to the committee or candidate, which relate to the conduct of
490 any political campaign.

491 11. Transaction information from ~~A copy of~~ each credit
492 card statement that will ~~which shall~~ be included in the next
493 report following receipt thereof by the candidate or political
494 committee. Receipts for each credit card purchase shall be
495 retained by the treasurer with the records for the campaign
496 account.

497 12. The amount and nature of any separate interest-bearing
498 accounts or certificates of deposit and identification of the
499 financial institution in which such accounts or certificates of
500 deposit are located.

501 13. The primary purposes of an expenditure made indirectly
 502 through a campaign treasurer pursuant to s. 106.021(3) for goods
 503 and services such as communications media placement or
 504 procurement services, campaign signs, insurance, and other
 505 expenditures that include multiple components as part of the
 506 expenditure. The primary purpose of an expenditure shall be that
 507 purpose, including integral and directly related components,
 508 that comprises 80 percent of such expenditure.

509 (b) The filing officer shall make available to any
 510 candidate or committee a reporting form which the candidate or
 511 committee may use to indicate contributions received by the
 512 candidate or committee but returned to the contributor before
 513 deposit.

514 (6) ~~The campaign depository shall return all checks drawn~~
 515 ~~on the account to the campaign treasurer who shall retain the~~
 516 ~~records pursuant to s. 106.06.~~ The records maintained by the
 517 campaign depository with respect to any campaign ~~such~~ account
 518 regulated by this chapter shall be subject to inspection by an
 519 agent of the Division of Elections or the Florida Elections
 520 Commission at any time during normal banking hours, and such
 521 depository shall furnish certified copies of any of such records
 522 to the Division of Elections or the Florida Elections Commission
 523 upon request.

524 (8) (a) Any candidate or political committee failing to
 525 file a report on the designated due date shall be subject to a
 526 fine as provided in paragraph (b) for each late day, and, in the
 527 case of a candidate, such fine shall be paid only from personal

528 funds of the candidate. The fine shall be assessed by the filing
 529 officer and the moneys collected shall be deposited:

530 1. In the General Revenue Fund, in the case of a candidate
 531 for state office or a political committee that registers with
 532 the Division of Elections; or

533 2. In the general revenue fund of the political
 534 subdivision, in the case of a candidate for an office of a
 535 political subdivision or a political committee that registers
 536 with an officer of a political subdivision.

537

538 ~~No separate fine shall be assessed for failure to file a copy of~~
 539 ~~any report required by this section.~~

540 (b) Upon determining that a report is late, the filing
 541 officer shall immediately notify the candidate or ~~chair of the~~
 542 political committee as to the failure to file a report by the
 543 designated due date and that a fine is being assessed for each
 544 late day. The fine shall be \$50 per day for the first 3 days
 545 late and, thereafter, \$500 per day for each late day, not to
 546 exceed 25 percent of the total receipts or expenditures,
 547 whichever is greater, for the period covered by the late report.
 548 However, for the reports immediately preceding each primary and
 549 general election, including a special primary election and a
 550 special general election, the fine shall be \$500 per day for
 551 each late day, not to exceed 25 percent of the total receipts or
 552 expenditures, whichever is greater, for the period covered by
 553 the late report. For reports required under s. 106.141(7), the
 554 fine is \$50 per day for each late day, not to exceed 25 percent
 555 of the total receipts or expenditures, whichever is greater, for

556 the period covered by the late report. Upon receipt of the
 557 report, the filing officer shall determine the amount of the
 558 fine that ~~which~~ is due and shall notify the candidate or the
 559 political committee ~~chair~~. The filing officer shall determine
 560 the amount of the fine due based upon the earliest of the
 561 following:

- 562 1. When the report is actually received by such officer.
- 563 2. When the report is postmarked.
- 564 3. When the certificate of mailing is dated.
- 565 4. When the receipt from an established courier company is
 566 dated.
- 567 5. When the electronic receipt issued pursuant to s.
 568 106.0705 is dated.

569
 570 Such fine shall be paid to the filing officer within 20 days
 571 after receipt of the notice of payment due, unless appeal is
 572 made to the Florida Elections Commission pursuant to paragraph
 573 (c). In the case of a candidate, such fine shall not be an
 574 allowable campaign expenditure and shall be paid only from
 575 personal funds of the candidate. An officer or member of a
 576 political committee shall not be personally liable for such
 577 fine.

578 (c) Any candidate or chair of a political committee may
 579 appeal or dispute the fine, based upon, but not limited to,
 580 unusual circumstances surrounding the failure to file on the
 581 designated due date, and may request and shall be entitled to a
 582 hearing before the Florida Elections Commission, which shall
 583 have the authority to waive the fine in whole or in part. The

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584 Florida Elections Commission must consider the mitigating and
585 aggravating circumstances contained in s. 106.265(1) when
586 determining the amount of a fine, if any, to be waived. Any such
587 request shall be made within 20 days after receipt of the notice
588 of payment due. In such case, the candidate or chair of the
589 political committee shall, within the 20-day period, notify the
590 filing officer in writing of his or her intention to bring the
591 matter before the commission.

592 (d) The appropriate filing officer shall notify the
593 Florida Elections Commission of the repeated late filing by a
594 candidate or political committee, the failure of a candidate or
595 political committee to file a report after notice, or the
596 failure to pay the fine imposed. For purposes of this section,
597 notice is deemed sufficient upon proof of delivery of written
598 notice to the mailing or street address of record on file with
599 the filing officer for the candidate or his or her treasurer or
600 for the chair, treasurer, or registered agent of the committee
601 or organization. The commission shall investigate only those
602 alleged late filing violations specifically identified by the
603 filing officer and as set forth in the notification. Any other
604 alleged violations must be separately stated and reported by the
605 division to the commission under s. 106.25(2).

606 Section 6. Paragraph (c) of subsection (2) and subsection
607 (7) of section 106.0705, Florida Statutes, are amended to read:

608 106.0705 Electronic filing of campaign treasurer's
609 reports.--

610 (2)

611 (c) Each person or organization that is required to file
 612 reports with the division under ss. 106.071 and 106.141 must
 613 file such reports with the division by means of the division's
 614 electronic filing system.

615 ~~(7) Notwithstanding anything in law to the contrary, any~~
 616 ~~report required to have been filed under this section for the~~
 617 ~~period ended March 31, 2005, shall be deemed to have been timely~~
 618 ~~filed if the report is filed under this section on or before~~
 619 ~~June 1, 2005.~~

620 Section 7. Subsection (3) and paragraph (b) of subsection
 621 (6) of section 106.08, Florida Statutes, are amended to read:

622 106.08 Contributions; limitations on.--

623 (3) (a) Any contribution received by a candidate with
 624 opposition in an election or by the campaign treasurer or a
 625 deputy campaign treasurer of such a candidate on the day of that
 626 election or less than 5 days prior to the day of that election
 627 must be returned by him or her to the person or committee
 628 contributing it and may not be used or expended by or on behalf
 629 of the candidate.

630 (b) ~~Except as otherwise provided in paragraph (c),~~ Any
 631 contribution received by a candidate or by the campaign
 632 treasurer or a deputy campaign treasurer of a candidate after
 633 the date at which the candidate withdraws his or her candidacy,
 634 or after the date the candidate is defeated, becomes unopposed,
 635 or is elected to office, must be returned to the person or
 636 committee contributing it and may not be used or expended by or
 637 on behalf of the candidate.

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638 ~~(c) With respect to any campaign for an office in which an~~
639 ~~independent or minor party candidate has filed as required in s.~~
640 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
641 ~~determination by the Department of State or supervisor of~~
642 ~~elections as to whether or not the required number of petition~~
643 ~~signatures was obtained.~~

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

647 ~~2. Any contribution received by a candidate or the~~
648 ~~campaign treasurer or deputy campaign treasurer of a candidate~~
649 ~~after the candidate has been notified in writing by the~~
650 ~~department or supervisor that he or she has become unopposed as~~
651 ~~a result of an independent or minor party candidate failing to~~
652 ~~obtain the required number of petition signatures shall be~~
653 ~~returned to the person, political committee, or committee of~~
654 ~~continuous existence contributing it and shall not be used or~~
655 ~~expended by or on behalf of the candidate.~~

656 (6)

657 (b)1. A political party may not accept any in-kind
658 contribution that fails to provide a direct benefit to the
659 political party. A "direct benefit" includes, but is not limited
660 to, fundraising or furthering the objectives of the political
661 party.

662 2.a. An in-kind contribution to a state political party
663 may be accepted only by the chairperson of the state political
664 party or by the chairperson's designee or designees whose names
665 are on file with the division in a form acceptable to the

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666 division prior to the date of the written notice required in
667 sub-subparagraph b. An in-kind contribution to a county
668 political party may be accepted only by the chairperson of the
669 county political party or by the county chairperson's designee
670 or designees whose names are on file with the supervisor of
671 elections of the respective county prior to the date of the
672 written notice required in sub-subparagraph b.

673 b. A person making an in-kind contribution to a state
674 political party or county political party must provide prior
675 written notice of the contribution to a person described in sub-
676 subparagraph a. The prior written notice must be signed and
677 dated and may be provided by an electronic or facsimile message.
678 However, prior written notice is not required for an in-kind
679 contribution that consists of food and beverage in an aggregate
680 amount not exceeding \$1,500 which is consumed at a single
681 sitting or event if such in-kind contribution is accepted in
682 advance by a person specified in sub-subparagraph a.

683 c. A person described in sub-subparagraph a. may accept an
684 in-kind contribution requiring prior written notice only in a
685 writing that is ~~signed and~~ dated before the in-kind contribution
686 is made. Failure to obtain the required written acceptance of an
687 in-kind contribution to a state or county political party
688 constitutes a refusal of the contribution.

689 d. A copy of each prior written acceptance required under
690 sub-subparagraph c. must be filed with the division for a state
691 executive committee, or with the supervisor of elections for a
692 county executive committee, at the time the regular reports of
693 contributions and expenditures required under s. 106.29 are

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694 filed by the state executive committee and county executive
695 committee.

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

699 Section 8. Paragraph (b) of subsection (1) and paragraph
700 (a) of subsection (2) of section 106.11, Florida Statutes, are
701 amended to read:

702 106.11 Expenses of and expenditures by candidates and
703 political committees.--Each candidate and each political
704 committee which designates a primary campaign depository
705 pursuant to s. 106.021(1) shall make expenditures from funds on
706 deposit in such primary campaign depository only in the
707 following manner, with the exception of expenditures made from
708 petty cash funds provided by s. 106.12:

709 (1)

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

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

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

715 3. The exact amount of the expenditure.

716 4. The signature of the campaign treasurer or deputy
717 treasurer.

718 5. The exact purpose for which the expenditure is
719 authorized.

720 6. The name of the payee.

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

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

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

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

731 4. Before a debit card is used, a list of all persons
 732 authorized to use the card is filed with the filing officer
 733 ~~division~~.

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

737 ~~5.6.~~ The person using the debit card does not receive cash
 738 as part of, or independent of, any transaction for goods or
 739 services.

740 ~~6.7.~~ All receipts for debit card transactions contain:

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

742 b. The exact amount of the expenditure.

743 c. The name of the payee.

744 d. The signature of the campaign treasurer, deputy
 745 treasurer, or authorized user.

746 e. The exact purpose for which the expenditure is
 747 authorized.

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749 Any information required by this subparagraph but not included
 750 on the debit card transaction receipt may be handwritten on, or
 751 attached to, the receipt by the authorized user before
 752 submission to the treasurer.

753 Section 9. Paragraph (b) of subsection (4) of section
 754 106.141, Florida Statutes, is amended to read:

755 106.141 Disposition of surplus funds by candidates.--

756 (4)

757 (b) Any candidate required to dispose of funds pursuant to
 758 this section who has received contributions from the Election
 759 Campaign Financing Trust Fund shall, after all payments under s.
 760 106.11(5)(a)-(c) have been made, return all surplus campaign
 761 funds to the Election Campaign Financing Trust Fund.

762 Section 10. Paragraph (a) of subsection (1) of section
 763 106.143, Florida Statutes, is amended to read:

764 106.143 Political advertisements circulated prior to
 765 election; requirements.--

766 (1)(a) Any political advertisement that is paid for by a
 767 candidate and that is published, displayed, or circulated prior
 768 to, or on the day of, any election must prominently state:

769 "Political advertisement paid for and approved by (name of
 770 candidate) , (party affiliation) , for (office sought) ."
 771 Nonpartisan candidates shall omit the reference to party
 772 affiliation in all such political advertisements.

773
 774 This subsection does not apply to campaign messages used by a
 775 candidate and the candidate's supporters if those messages are
 776 designed to be worn by a person.

777 Section 11. Section 106.14325, Florida Statutes, is
 778 created to read:

779 106.14325 Candidate website.--Any Internet website that is
 780 authorized, approved, or operated by a candidate that is not a
 781 political advertisement or electioneering communication but
 782 identifies the candidate and the office he or she is seeking
 783 shall prominently state on each webpage of the website that
 784 identifies the candidate and the office being sought: "This
 785 website approved by (name of candidate) , (party
 786 affiliation, if any) , for (office sought) ." If the website
 787 is a political advertisement or electioneering communication, it
 788 shall comply with the requirements of s. 106.143 or s. 106.1439,
 789 respectively.

790 Section 12. Section 106.1437, Florida Statutes, is amended
 791 to read:

792 106.1437 Miscellaneous advertisements.--Any advertisement,
 793 other than a political advertisement, independent expenditure,
 794 or electioneering communication, on billboards, bumper stickers,
 795 radio, or television, ~~or~~ in a newspaper, a magazine, or a
 796 periodical, or on the Internet intended to influence public
 797 policy or the vote of a public official, shall clearly designate
 798 the sponsor of such advertisement by including a clearly
 799 readable statement of sponsorship. If the advertisement is
 800 broadcast on television, the advertisement shall also contain a
 801 verbal statement of sponsorship. This section shall not apply to
 802 an editorial endorsement.

803 Section 13. Subsection (1) and paragraph (d) of subsection
 804 (3) of section 106.29, Florida Statutes, are amended to read:

805 106.29 Reports by political parties; restrictions on
806 contributions and expenditures; penalties.--

807 (1) The state executive committee and each county
808 executive committee of each political party regulated by chapter
809 103 shall file regular reports of all contributions received and
810 all expenditures made by such committee. Such reports shall
811 contain the same information as do reports required of
812 candidates by s. 106.07 and shall be filed on the 10th day
813 following the end of each calendar quarter, except that, during
814 the period from the last day for candidate qualifying until the
815 general election, such reports shall be filed on the Friday
816 immediately preceding both the primary election and the general
817 election. In addition to the reports filed under this section,
818 the state executive committee and each county executive
819 committee shall file a copy of each prior written acceptance of
820 an in-kind contribution given by the committee during the
821 preceding calendar quarter as required under s. 106.08(6). Each
822 state executive committee shall file ~~the original and one copy~~
823 ~~of~~ its reports with the Division of Elections. Each county
824 executive committee shall file its reports with the supervisor
825 of elections in the county in which such committee exists. Any
826 state or county executive committee failing to file a report on
827 the designated due date shall be subject to a fine as provided
828 in subsection (3). ~~No separate fine shall be assessed for~~
829 ~~failure to file a copy of any report required by this section.~~

830 (2) The chair and treasurer of each state or county
831 executive committee shall certify as to the correctness of each
832 report filed by them on behalf of such committee. Any committee

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833 chair or treasurer who certifies the correctness of any report
 834 while knowing that such report is incorrect, false, or
 835 incomplete commits a felony of the third degree, punishable as
 836 provided in s. 775.082, s. 775.083, or s. 775.084.

837 (3)

838 (d) The appropriate filing officer shall notify the
 839 Florida Elections Commission of the repeated late filing by an
 840 executive committee, the failure of an executive committee to
 841 file a report after notice, or the failure to pay the fine
 842 imposed. For purposes of this section, notice is deemed
 843 sufficient upon proof of delivery of written notice to the
 844 mailing or street address of record on file with the filing
 845 officer for the executive committee or for the chair or
 846 treasurer of the executive committee.

847 Section 14. Subsection (5) of section 106.35, Florida
 848 Statutes, is amended to read:

849 106.35 Distribution of funds.--

850 (5) The division shall adopt rules providing for the
 851 weekly reports and certification and distribution of funds
 852 pursuant thereto required by this section. Such rules shall, at
 853 a minimum, provide ~~for:~~

854 ~~(a) Specifications for printed campaign treasurer's~~
 855 ~~reports outlining the format for such reports, including size of~~
 856 ~~paper, typeface, color of print, and placement of required~~
 857 ~~information on the form.~~

858 ~~(b)1.~~ specifications for electronically transmitted
 859 campaign treasurer's reports outlining communication parameters

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860 and protocol, data record formats, and provisions for ensuring
861 security of data and transmission.

862 ~~2. All electronically transmitted campaign treasurer's~~
863 ~~reports must also be filed in printed format. Printed format~~
864 ~~shall not include campaign treasurer's reports submitted by~~
865 ~~electronic facsimile transmission.~~

866 Section 15. This act shall take effect January 1, 2009.