

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

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;~~

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

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



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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

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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

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.

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

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

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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.

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



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

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 division.~~

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

736 ~~4.6.~~ The person using the debit card does not receive cash  
 737 as part of, or independent of, any transaction for goods or  
 738 services.

739 ~~5.7.~~ All receipts for debit card transactions contain:

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

741 b. The exact amount of the expenditure.

742 c. The name of the payee.

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

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

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

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

754 106.141 Disposition of surplus funds by candidates.--

755 (4)

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

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

763 106.143 Political advertisements circulated prior to  
 764 election; requirements.--

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

768 "Political advertisement paid for and approved by (name of  
 769 candidate) , (party affiliation) , for (office sought) ."

770 Nonpartisan candidates shall omit the reference to party  
 771 affiliation in all such political advertisements.

772  
 773 This subsection does not apply to campaign messages used by a  
 774 candidate and the candidate's supporters if those messages are  
 775 designed to be worn by a person.

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

778 106.14325 Candidate website.--Any Internet website that is  
 779 authorized, approved, or operated by a candidate that is not a  
 780 political advertisement or electioneering communication but  
 781 identifies the candidate and the office he or she is seeking  
 782 shall prominently state on each webpage of the website that  
 783 identifies the candidate and the office being sought: "This  
 784 website approved by (name of candidate) , (party  
 785 affiliation, if any) , for (office sought) ." If the website  
 786 is a political advertisement or electioneering communication, it  
 787 shall comply with the requirements of s. 106.143 or s. 106.1439,  
 788 respectively.

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

791 106.1437 Miscellaneous advertisements.--Any advertisement,  
 792 other than a political advertisement, independent expenditure,  
 793 or electioneering communication, on billboards, bumper stickers,  
 794 radio, or television, ~~or~~ in a newspaper, a magazine, or a  
 795 periodical, or on the Internet intended to influence public  
 796 policy or the vote of a public official, shall clearly designate  
 797 the sponsor of such advertisement by including a clearly  
 798 readable statement of sponsorship. If the advertisement is  
 799 broadcast on television, the advertisement shall also contain a  
 800 verbal statement of sponsorship. This section shall not apply to  
 801 an editorial endorsement.

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

804 106.29 Reports by political parties; restrictions on  
805 contributions and expenditures; penalties.--

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

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

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

836 (3)

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

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

848 106.35 Distribution of funds.--

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

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

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

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

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

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