

1 A bill to be entitled
 2 An act relating to public campaign financing; repealing
 3 ss. 106.30-106.36, F.S., the "Florida Election Campaign
 4 Financing Act"; amending ss. 106.07, 106.141, 106.22,
 5 106.265, 320.02, 322.08, 328.72, and 607.1622, F.S.;
 6 deleting references to the Election Campaign Financing
 7 Trust Fund, which expired, effective November 4, 1996, by
 8 operation of s. 19(f), Art. III of the State Constitution;
 9 amending ss. 320.27, 765.5215, and 765.5216, F.S.;
 10 correcting cross-references; providing a contingent
 11 effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Sections 106.30, 106.31, 106.32, 106.33,
 16 106.34, 106.35, 106.353, 106.355, and 106.36, Florida Statutes,
 17 are repealed.

18 Section 2. Subsection (1) of section 106.07, Florida
 19 Statutes, is amended to read:

20 106.07 Reports; certification and filing.--

21 (1) Each campaign treasurer designated by a candidate or
 22 political committee pursuant to s. 106.021 shall file regular
 23 reports of all contributions received, and all expenditures
 24 made, by or on behalf of such candidate or political committee.
 25 Reports shall be filed on the 10th day following the end of each
 26 calendar quarter from the time the campaign treasurer is
 27 appointed, except that, if the 10th day following the end of a
 28 calendar quarter occurs on a Saturday, Sunday, or legal holiday,

29 the report shall be filed on the next following day which is not
 30 a Saturday, Sunday, or legal holiday. Quarterly reports shall
 31 include all contributions received and expenditures made during
 32 the calendar quarter which have not otherwise been reported
 33 pursuant to this section.

34 (a) ~~Except as provided in paragraph (b),~~ Following the
 35 last day of qualifying for office, the reports shall be filed on
 36 the 32nd, 18th, and 4th days immediately preceding the primary
 37 and on the 46th, 32nd, 18th, and 4th days immediately preceding
 38 the election, for a candidate who is opposed in seeking
 39 nomination or election to any office, for a political committee,
 40 or for a committee of continuous existence.

41 ~~(b) Following the last day of qualifying for office, any~~
 42 ~~statewide candidate who has requested to receive contributions~~
 43 ~~from the Election Campaign Financing Trust Fund or any statewide~~
 44 ~~candidate in a race with a candidate who has requested to~~
 45 ~~receive contributions from the trust fund shall file reports on~~
 46 ~~the 4th, 11th, 18th, 25th, and 32nd days prior to the primary~~
 47 ~~election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th,~~
 48 ~~and 53rd days prior to the general election.~~

49 (b) ~~(e)~~ Following the last day of qualifying for office,
 50 any unopposed candidate need only file a report within 90 days
 51 after the date such candidate became unopposed. Such report
 52 shall contain all previously unreported contributions and
 53 expenditures as required by this section and shall reflect
 54 disposition of funds as required by s. 106.141.

55 (c) ~~(d)~~1. When a special election is called to fill a
 56 vacancy in office, all political committees and committees of

57 | continuous existence making contributions or expenditures to
 58 | influence the results of such special election shall file
 59 | campaign treasurers' reports with the filing officer on the
 60 | dates set by the Department of State pursuant to s. 100.111.

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

66 | (d)~~(e)~~ The filing officer shall provide each candidate
 67 | with a schedule designating the beginning and end of reporting
 68 | periods as well as the corresponding designated due dates.

69 | Section 3. Subsection (4) of section 106.141, Florida
 70 | Statutes, is amended to read:

71 | 106.141 Disposition of surplus funds by candidates.--

72 | ~~(4) (a) Except as provided in paragraph (b),~~ Any candidate
 73 | required to dispose of funds pursuant to this section shall, at
 74 | the option of the candidate, dispose of such funds by any of the
 75 | following means, or any combination thereof:

76 | (a)~~1.~~ Return pro rata to each contributor the funds that
 77 | have not been spent or obligated.

78 | (b)~~2.~~ Donate the funds that have not been spent or
 79 | obligated to a charitable organization or organizations that
 80 | meet the qualifications of s. 501(c)(3) of the Internal Revenue
 81 | Code.

82 | (c)~~3.~~ Give not more than \$10,000 of the funds that have
 83 | not been spent or obligated to the political party of which such
 84 | candidate is a member, except that a candidate for the Florida

85 Senate may give not more than \$30,000 of such funds to the
 86 political party of which the candidate is a member.

87 (d)~~4.~~ Give the funds that have not been spent or
 88 obligated:

89 1.a. In the case of a candidate for state office, to the
 90 state, to be deposited in ~~either the Election Campaign Financing~~
 91 ~~Trust Fund or the General Revenue Fund, as designated by the~~
 92 ~~candidate; or~~

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

96 ~~(b) Any candidate required to dispose of funds pursuant to~~
 97 ~~this section who has received contributions from the Election~~
 98 ~~Campaign Financing Trust Fund shall return all surplus campaign~~
 99 ~~funds to the Election Campaign Financing Trust Fund.~~

100 Section 4. Subsection (6) of section 106.22, Florida
 101 Statutes, is amended to read:

102 106.22 Duties of the Division of Elections.--It is the
 103 duty of the Division of Elections to:

104 (6) Make, from time to time, audits and field
 105 investigations with respect to reports and statements filed
 106 under the provisions of this chapter and with respect to alleged
 107 failures to file any report or statement required under the
 108 provisions of this chapter. ~~The division shall conduct a~~
 109 ~~postelection audit of the campaign accounts of all candidates~~
 110 ~~receiving contributions from the Election Campaign Financing~~
 111 ~~Trust Fund.~~

112 Section 5. Subsections (3), (4), and (5) of section
 113 106.265, Florida Statutes, are amended to read:

114 106.265 Civil penalties.--

115 (3) Any civil penalty collected pursuant to the provisions
 116 of this section shall be deposited into the General Revenue
 117 ~~Election Campaign Financing Trust~~ Fund.

118 ~~(4) Notwithstanding any other provisions of this chapter,~~
 119 ~~any fine assessed pursuant to the provisions of this chapter,~~
 120 ~~which fine is designated to be deposited or which would~~
 121 ~~otherwise be deposited into the General Revenue Fund of the~~
 122 ~~state, shall be deposited into the Election Campaign Financing~~
 123 ~~Trust Fund.~~

124 (4)~~(5)~~ In any case in which the commission determines that
 125 a person has filed a complaint against another person with a
 126 malicious intent to injure the reputation of the person
 127 complained against by filing the complaint with knowledge that
 128 the complaint contains one or more false allegations or with
 129 reckless disregard for whether the complaint contains false
 130 allegations of fact material to a violation of this chapter or
 131 chapter 104, the complainant shall be liable for costs and
 132 reasonable attorney's fees incurred in the defense of the person
 133 complained against, including the costs and reasonable
 134 attorney's fees incurred in proving entitlement to and the
 135 amount of costs and fees. If the complainant fails to pay such
 136 costs and fees voluntarily within 30 days following such finding
 137 by the commission, the commission shall forward such information
 138 to the Department of Legal Affairs, which shall bring a civil

139 action in a court of competent jurisdiction to recover the
140 amount of such costs and fees awarded by the commission.

141 Section 6. Subsections (14) through (17) of section
142 320.02, Florida Statutes, are renumbered as subsections (13)
143 through (16), respectively, and present subsection (13) of that
144 section is amended to read:

145 320.02 Registration required; application for
146 registration; forms.--

147 ~~(13) The application form for motor vehicle registration~~
148 ~~shall include language permitting a voluntary contribution of \$5~~
149 ~~per applicant, which contribution shall be transferred into the~~
150 ~~Election Campaign Financing Trust Fund. A statement providing an~~
151 ~~explanation of the purpose of the trust fund shall also be~~
152 ~~included.~~

153 Section 7. Paragraph (b) of subsection (9) of section
154 320.27, Florida Statutes, is amended to read:

155 320.27 Motor vehicle dealers.--

156 (9) DENIAL, SUSPENSION, OR REVOCATION.--

157 (b) The department may deny, suspend, or revoke any
158 license issued hereunder or under the provisions of s. 320.77 or
159 s. 320.771 upon proof that a licensee has committed, with
160 sufficient frequency so as to establish a pattern of wrongdoing
161 on the part of a licensee, violations of one or more of the
162 following activities:

163 1. Representation that a demonstrator is a new motor
164 vehicle, or the attempt to sell or the sale of a demonstrator as
165 a new motor vehicle without written notice to the purchaser that
166 the vehicle is a demonstrator. For the purposes of this section,

167 a "demonstrator," a "new motor vehicle," and a "used motor
168 vehicle" shall be defined as under s. 320.60.

169 2. Unjustifiable refusal to comply with a licensee's
170 responsibility under the terms of the new motor vehicle warranty
171 issued by its respective manufacturer, distributor, or importer.
172 However, if such refusal is at the direction of the
173 manufacturer, distributor, or importer, such refusal shall not
174 be a ground under this section.

175 3. Misrepresentation or false, deceptive, or misleading
176 statements with regard to the sale or financing of motor
177 vehicles which any motor vehicle dealer has, or causes to have,
178 advertised, printed, displayed, published, distributed,
179 broadcast, televised, or made in any manner with regard to the
180 sale or financing of motor vehicles.

181 4. Failure by any motor vehicle dealer to provide a
182 customer or purchaser with an odometer disclosure statement and
183 a copy of any bona fide written, executed sales contract or
184 agreement of purchase connected with the purchase of the motor
185 vehicle purchased by the customer or purchaser.

186 5. Failure of any motor vehicle dealer to comply with the
187 terms of any bona fide written, executed agreement, pursuant to
188 the sale of a motor vehicle.

189 6. Failure to apply for transfer of a title as prescribed
190 in s. 319.23(6).

191 7. Use of the dealer license identification number by any
192 person other than the licensed dealer or his or her designee.

193 8. Failure to continually meet the requirements of the
194 licensure law.

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195 9. Representation to a customer or any advertisement to
196 the public representing or suggesting that a motor vehicle is a
197 new motor vehicle if such vehicle lawfully cannot be titled in
198 the name of the customer or other member of the public by the
199 seller using a manufacturer's statement of origin as permitted
200 in s. 319.23(1).

201 10. Requirement by any motor vehicle dealer that a
202 customer or purchaser accept equipment on his or her motor
203 vehicle which was not ordered by the customer or purchaser.

204 11. Requirement by any motor vehicle dealer that any
205 customer or purchaser finance a motor vehicle with a specific
206 financial institution or company.

207 12. Requirement by any motor vehicle dealer that the
208 purchaser of a motor vehicle contract with the dealer for
209 physical damage insurance.

210 13. Perpetration of a fraud upon any person as a result of
211 dealing in motor vehicles, including, without limitation, the
212 misrepresentation to any person by the licensee of the
213 licensee's relationship to any manufacturer, importer, or
214 distributor.

215 14. Violation of any of the provisions of s. 319.35 by any
216 motor vehicle dealer.

217 15. Sale by a motor vehicle dealer of a vehicle offered in
218 trade by a customer prior to consummation of the sale, exchange,
219 or transfer of a newly acquired vehicle to the customer, unless
220 the customer provides written authorization for the sale of the
221 trade-in vehicle prior to delivery of the newly acquired
222 vehicle.

223 16. Willful failure to comply with any administrative rule
 224 adopted by the department or the provisions of s. 320.131(8).

225 17. Violation of chapter 319, this chapter, or ss.
 226 559.901-559.9221, which has to do with dealing in or repairing
 227 motor vehicles or mobile homes. Additionally, in the case of
 228 used motor vehicles, the willful violation of the federal law
 229 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 230 the consumer sales window form.

231 18. Failure to maintain evidence of notification to the
 232 owner or coowner of a vehicle regarding registration or titling
 233 fees owed as required in s. 320.02 (16) ~~(17)~~.

234 19. Failure to register a mobile home salesperson with the
 235 department as required by this section.

236 Section 8. Subsection (6) of section 322.08, Florida
 237 Statutes, is amended to read:

238 322.08 Application for license.--

239 (6) The application form for a driver's license or
 240 duplicate thereof shall include language permitting the
 241 following:

242 ~~(a) A voluntary contribution of \$5 per applicant, which~~
 243 ~~contribution shall be transferred into the Election Campaign~~
 244 ~~Financing Trust Fund.~~

245 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which
 246 contribution shall be deposited into the Florida Organ and
 247 Tissue Donor Education and Procurement Trust Fund for organ and
 248 tissue donor education and for maintaining the organ and tissue
 249 donor registry.

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250 (b)~~(e)~~ A voluntary contribution of \$1 per applicant, which
 251 contribution shall be distributed to the Florida Council of the
 252 Blind.

253 (c)~~(d)~~ A voluntary contribution of \$2 per applicant, which
 254 shall be distributed to the Hearing Research Institute,
 255 Incorporated.

256 (d)~~(e)~~ A voluntary contribution of \$1 per applicant, which
 257 shall be distributed to the Juvenile Diabetes Foundation
 258 International.

259 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
 260 shall be distributed to the Children's Hearing Help Fund.

261
 262 A statement providing an explanation of the purpose of the trust
 263 funds shall also be included. For the purpose of applying the
 264 service charge provided in s. 215.20, contributions received
 265 under paragraphs (b), (c), (d), and (e), ~~and (f)~~ and under s.
 266 322.18(9)(a) are not income of a revenue nature.

267 Section 9. Subsection (11) of section 328.72, Florida
 268 Statutes, is amended to read:

269 328.72 Classification; registration; fees and charges;
 270 surcharge; disposition of fees; fines; marine turtle stickers.--

271 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
 272 boat registration shall include a provision to allow each
 273 applicant to indicate a desire to pay an additional voluntary
 274 contribution to the Save the Manatee Trust Fund to be used for
 275 the purposes specified in s. 370.12(4). This contribution shall
 276 be in addition to all other fees and charges. The amount of the
 277 request for a voluntary contribution solicited shall be \$2 or \$5

278 per registrant. A registrant who provides a voluntary
 279 contribution of \$5 or more shall be given a sticker or emblem by
 280 the tax collector to display, which signifies support for the
 281 Save the Manatee Trust Fund. All voluntary contributions shall
 282 be deposited in the Save the Manatee Trust Fund and shall be
 283 used for the purposes specified in s. 370.12(4). ~~The form shall~~
 284 ~~also include language permitting a voluntary contribution of \$5~~
 285 ~~per applicant, which contribution shall be transferred into the~~
 286 ~~Election Campaign Financing Trust Fund. A statement providing an~~
 287 ~~explanation of the purpose of the trust fund shall also be~~
 288 ~~included.~~

289 Section 10. Subsection (1) of section 607.1622, Florida
 290 Statutes, is amended to read:

291 607.1622 Annual report for Department of State.--

292 (1) Each domestic corporation and each foreign corporation
 293 authorized to transact business in this state shall deliver to
 294 the Department of State for filing a sworn annual report on such
 295 forms as the Department of State prescribes that sets forth:

296 (a) The name of the corporation and the state or country
 297 under the law of which it is incorporated.‡

298 (b) The date of incorporation or, if a foreign
 299 corporation, the date on which it was admitted to do business in
 300 this state.‡

301 (c) The address of its principal office and the mailing
 302 address of the corporation.‡

303 (d) The corporation's federal employer identification
 304 number, if any, or, if none, whether one has been applied for.‡

305 (e) The names and business street addresses of its
306 directors and principal officers. +

307 (f) The street address of its registered office and the
308 name of its registered agent at that office in this state. +

309 ~~(g) Language permitting a voluntary contribution of \$5 per
310 taxpayer, which contribution shall be transferred into the
311 Election Campaign Financing Trust Fund. A statement providing an
312 explanation of the purpose of the trust fund shall also be
313 included; and~~

314 (g) ~~(h)~~ Such additional information as may be necessary or
315 appropriate to enable the Department of State to carry out the
316 provisions of this act.

317 Section 11. Subsection (1) of section 765.5215, Florida
318 Statutes, is amended to read:

319 765.5215 Education program relating to anatomical
320 gifts.--The Agency for Health Care Administration, subject to
321 the concurrence of the Department of Highway Safety and Motor
322 Vehicles, shall develop a continuing program to educate and
323 inform medical professionals, law enforcement agencies and
324 officers, high school children, state and local government
325 employees, and the public regarding the laws of this state
326 relating to anatomical gifts and the need for anatomical gifts.

327 (1) The program is to be implemented with the assistance
328 of the organ and tissue donor education panel as provided in s.
329 765.5216 and with the funds collected under ss. 320.08047 and
330 322.08(6) (a) ~~(b)~~. Existing community resources, when available,
331 must be used to support the program, and volunteers may assist
332 the program to the maximum extent possible. The Agency for

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333 Health Care Administration may contract for the provision of all
334 or any portion of the program. When awarding such contract, the
335 agency shall give priority to existing nonprofit groups that are
336 located within the community, including within the minority
337 communities specified in subsection (2). The program aimed at
338 educating medical professionals may be implemented by contract
339 with one or more medical schools located in the state.

340 Section 12. Subsection (1) of section 765.5216, Florida
341 Statutes, is amended to read:

342 765.5216 Organ and tissue donor education panel.--

343 (1) The Legislature recognizes that there exists in the
344 state a shortage of organ and tissue donors to provide the
345 organs and tissue that could save lives or enhance the quality
346 of life for many Floridians. The Legislature further recognizes
347 the need to encourage the various minority populations of
348 Florida to donate organs and tissue. It is the intent of the
349 Legislature that the funds collected pursuant to ss. 320.08047
350 and 322.08(6) (a) ~~(b)~~ be used for educational purposes aimed at
351 increasing the number of organ and tissue donors, thus affording
352 more Floridians who are awaiting organ or tissue transplants the
353 opportunity for a full and productive life.

354 Section 13. This act shall take effect on the effective
355 date of an amendment to the State Constitution approved by the
356 electors at the general election to be held in November 2008
357 which authorizes, or removes impediment to, enactment by the
358 Legislature of the provisions of this act.