

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; amending s. 106.34, F.S.;
 11 revising expenditure limits for certain candidates for
 12 statewide office; providing contingent effective dates.

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

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 18 are repealed.

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

21 106.07 Reports; certification and filing.--

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

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

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

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

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

56 (c)~~(d)~~1. When a special election is called to fill a
 57 vacancy in office, all political committees and committees of
 58 continuous existence making contributions or expenditures to
 59 influence the results of such special election shall file
 60 campaign treasurers' reports with the filing officer on the
 61 dates set by the Department of State pursuant to s. 100.111.

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

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

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

72 106.141 Disposition of surplus funds by candidates.--

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

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

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

83 (c)~~3.~~ Give not more than \$10,000 of the funds that have
 84 not been spent or obligated to the political party of which such
 85 candidate is a member, except that a candidate for the Florida
 86 Senate may give not more than \$30,000 of such funds to the
 87 political party of which the candidate is a member.

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

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

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

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

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

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

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

111 ~~receiving contributions from the Election Campaign Financing~~
112 ~~Trust Fund.~~

113 Section 5. Subsections (3), (4), and (5) of section
114 106.265, Florida Statutes, are amended to read:

115 106.265 Civil penalties.--

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

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

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

139 to the Department of Legal Affairs, which shall bring a civil
 140 action in a court of competent jurisdiction to recover the
 141 amount of such costs and fees awarded by the commission.

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

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

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

154 Section 7. Paragraph (b) of subsection (9) of section
 155 320.27, Florida Statutes, is amended to read:

156 320.27 Motor vehicle dealers.--

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

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

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

167 the vehicle is a demonstrator. For the purposes of this section,
168 a "demonstrator," a "new motor vehicle," and a "used motor
169 vehicle" shall be defined as under s. 320.60.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

222 trade-in vehicle prior to delivery of the newly acquired
 223 vehicle.

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

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

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

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

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

239 322.08 Application for license.--

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

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

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

249 tissue donor education and for maintaining the organ and tissue
250 donor registry.

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

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

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

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

262

263 A statement providing an explanation of the purpose of the trust
264 funds shall also be included. For the purpose of applying the
265 service charge provided in s. 215.20, contributions received
266 under paragraphs (b), (c), (d), and (e),~~and (f)~~ and under s.
267 322.18(9)(a) are not income of a revenue nature.

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

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

272 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
273 boat registration shall include a provision to allow each
274 applicant to indicate a desire to pay an additional voluntary
275 contribution to the Save the Manatee Trust Fund to be used for
276 the purposes specified in s. 370.12(4). This contribution shall

277 be in addition to all other fees and charges. The amount of the
 278 request for a voluntary contribution solicited shall be \$2 or \$5
 279 per registrant. A registrant who provides a voluntary
 280 contribution of \$5 or more shall be given a sticker or emblem by
 281 the tax collector to display, which signifies support for the
 282 Save the Manatee Trust Fund. All voluntary contributions shall
 283 be deposited in the Save the Manatee Trust Fund and shall be
 284 used for the purposes specified in s. 370.12(4). ~~The form shall~~
 285 ~~also include language permitting a voluntary contribution of \$5~~
 286 ~~per applicant, which contribution shall be transferred into the~~
 287 ~~Election Campaign Financing Trust Fund. A statement providing an~~
 288 ~~explanation of the purpose of the trust fund shall also be~~
 289 ~~included.~~

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

292 607.1622 Annual report for Department of State.--

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

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

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

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

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

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

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

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

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

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

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

328 (1) The program is to be implemented with the assistance
 329 of the organ and tissue donor education panel as provided in s.
 330 765.5216 and with the funds collected under ss. 320.08047 and
 331 322.08(6) (a) ~~(b)~~. Existing community resources, when available,

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

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

343 765.5216 Organ and tissue donor education panel.--

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

355 Section 13. Section 106.34, Florida Statutes, is amended
356 to read:

357 106.34 Expenditure limits.--

358 (1) Any candidate for Governor and Lieutenant Governor or
359 Cabinet officer who requests contributions from the Election

360 Campaign Financing Trust Fund shall limit his or her total
 361 expenditures as follows:

362 (a) Governor and Lieutenant Governor: \$5 million ~~\$2.00 for~~
 363 ~~each Florida registered voter.~~

364 (b) Cabinet officer: \$2 million ~~\$1.00 for each Florida-~~
 365 ~~registered voter.~~

366 (2) The expenditure limit for any candidate with primary
 367 election opposition only shall be 60 percent of the limit
 368 provided in subsection (1).

369 (3) The expenditure limit shall be adjusted by the
 370 Secretary of State quadrennially to reflect the rate of
 371 inflation or deflation as indicated in the Consumer Price Index
 372 for All Urban Consumers, U.S. City Average, All Items, 1967=100,
 373 or successor reports as reported by the United States Department
 374 of Labor, Bureau of Labor Statistics. ~~For purposes of this~~
 375 ~~section, "Florida registered voter" means a voter who is~~
 376 ~~registered to vote in Florida as of June 30 of each odd numbered~~
 377 ~~year. The Division of Elections shall certify the total number~~
 378 ~~of Florida registered voters no later than July 31 of each odd-~~
 379 ~~numbered year. Such total number shall be calculated by adding~~
 380 ~~the number of registered voters in each county as of June 30 in~~
 381 ~~the year of the certification date. For the 2006 general~~
 382 ~~election, the Division of Elections shall certify the total~~
 383 ~~number of Florida registered voters by July 31, 2005.~~

384 (4) For the purposes of this section, the term
 385 "expenditure" does not include the payment of compensation for
 386 legal and accounting services rendered on behalf of a candidate.

387 Section 14. Sections 1 through 12 of this act shall take
388 effect on the effective date of House Joint Resolution 281, or a
389 similar joint resolution having substantially the same specific
390 intent and purpose, if that joint resolution is approved by the
391 electors at the general election to be held in November 2008;
392 and section 13 of this act shall take effect January 1, 2009, if
393 House Joint Resolution 281, or a similar resolution having
394 substantially the same specific intent and purpose, fails to be
395 adopted by the electors at the general election to be held in
396 November 2008.