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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/16/2008	.	
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1 The Committee on Judiciary (Saunders) recommended the following  
2 **amendment:**

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

5 Between line(s) 1400 and 1401,  
6 insert:

7 Section 31. Effective upon becoming a law, paragraph (a) of  
8 subsection (1) of section 106.021, Florida Statutes, is amended  
9 to read:

10 106.021 Campaign treasurers; deputies; primary and  
11 secondary depositories.--

12 (1)(a) Each candidate for nomination or election to office  
13 and each political committee shall appoint a campaign treasurer.  
14 Each person who seeks to qualify for nomination or election to,  
15 or retention in, office shall appoint a campaign treasurer and  
16 designate a primary campaign depository prior to qualifying for  
17 office. Any person who seeks to qualify for election or



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18 nomination to any office by means of the petitioning process  
19 shall appoint a treasurer and designate a primary depository on  
20 or before the date he or she obtains the petitions. Each  
21 candidate shall at the same time he or she designates a campaign  
22 depository and appoints a treasurer also designate the office for  
23 which he or she is a candidate. If the candidate is running for  
24 an office which will be grouped on the ballot with two or more  
25 similar offices to be filled at the same election, the candidate  
26 must indicate for which group or district office he or she is  
27 running. Nothing in this subsection shall prohibit a candidate,  
28 at a later date, from changing the designation of the office for  
29 which he or she is a candidate. However, if a candidate changes  
30 the designated office for which he or she is a candidate, the  
31 candidate must notify all contributors in writing of the intent  
32 to seek a different office and offer to return pro rata, upon  
33 their request, those contributions given in support of the  
34 original office sought. This notification shall be given within  
35 15 days after the filing of the change of designation and shall  
36 include a standard form developed by the Division of Elections  
37 for requesting the return of contributions. The notice  
38 requirement shall not apply to any change in a numerical  
39 designation resulting solely from redistricting. If, within 30  
40 days after being notified by the candidate of the intent to seek  
41 a different office, the contributor notifies the candidate in  
42 writing that the contributor wishes his or her contribution to be  
43 returned, the candidate shall return the contribution, on a pro  
44 rata basis, calculated as of the date the change of designation  
45 is filed. Any contributions not requested to be returned within  
46 the 30-day period may be used by the candidate for the newly  
47 designated office. No person shall accept any contribution or



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48 | make any expenditure with a view to bringing about his or her  
49 | nomination, election, or retention in public office, or authorize  
50 | another to accept such contributions or make such expenditure on  
51 | the person's behalf, unless such person has appointed a campaign  
52 | treasurer and designated a primary campaign depository. A  
53 | candidate for an office voted upon statewide may appoint not more  
54 | than 15 deputy campaign treasurers, and any other candidate or  
55 | political committee may appoint not more than 3 deputy campaign  
56 | treasurers. The names and addresses of the campaign treasurer and  
57 | deputy campaign treasurers so appointed shall be filed with the  
58 | officer before whom such candidate is required to qualify or with  
59 | whom such political committee is required to register pursuant to  
60 | s. 106.03. ~~Each candidate who qualifies with the Department of~~  
61 | ~~State for an office not voted upon statewide shall, at the same~~  
62 | ~~time, file a copy of the name and address of the campaign~~  
63 | ~~treasurer with the supervisor of elections in the county in which~~  
64 | ~~the candidate resides.~~

65 |       Section 32. Effective upon becoming a law, section 106.082,  
66 | Florida Statutes, is repealed.

67 |       Section 33. Effective upon becoming a law, subsections (1)  
68 | and (2) of section 106.147, Florida Statutes, are amended to  
69 | read:

70 |       106.147 Telephone solicitation; disclosure requirements;  
71 | prohibitions; exemptions; penalties.--

72 |       (1) (a) Any electioneering communication telephone call or  
73 | any telephone call supporting or opposing a candidate, elected  
74 | public official, or ballot proposal must identify the persons or  
75 | organizations sponsoring the call by stating either: "paid for  
76 | by\_\_\_\_\_" (insert name of persons or organizations sponsoring the  
77 | call) or "paid for on behalf of\_\_\_\_\_" (insert name of persons or



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78 organizations authorizing call). This paragraph does not apply to  
79 any telephone call in which both the individual making the call  
80 is not being paid and the individuals participating in the call  
81 know each other prior to the call.

82 (b) Any telephone call conducted for the purpose of polling  
83 respondents concerning a candidate or elected public official  
84 which is a part of a series of like telephone calls that consists  
85 of fewer than 1,000 completed calls and averages more than 2  
86 minutes in duration is presumed to be a political poll and not  
87 subject to the provisions of paragraph (a).

88 (c) No telephone call shall state or imply that the caller  
89 represents any person or organization unless the person or  
90 organization so represented has given specific approval in  
91 writing to make such representation.

92 (d) No telephone call shall state or imply that the caller  
93 represents a nonexistent person or organization.

94 (2) Any telephone call, not conducted by independent  
95 expenditure, that expressly advocates for or against ~~supporting~~  
96 ~~or opposing~~ a candidate or ballot proposal, requires prior  
97 written authorization by the candidate or sponsor of the ballot  
98 proposal that the call supports. A copy of such written  
99 authorization must be placed on file with the qualifying officer  
100 by the candidate or sponsor of the ballot proposal prior to the  
101 time the calls commence.

102 Section 34. Paragraph (a) of subsection (1) of section  
103 106.24, Florida Statutes, is amended to read:

104 106.24 Florida Elections Commission; membership; powers;  
105 duties.--

106 (1) (a) There is created within the Department of Legal  
107 Affairs, Office of the Attorney General, a Florida Elections



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108 Commission, hereinafter referred to as the commission. The  
109 commission shall be a separate budget entity, and ~~its director~~  
110 ~~shall be~~ the agency head for all purposes. The commission shall  
111 not be subject to control, supervision, or direction by the  
112 Department of Legal Affairs or the Attorney General in the  
113 performance of its duties, including, but not limited to,  
114 personnel, purchasing transactions involving real or personal  
115 property, and budgetary matters.

116 (Redesignate subsequent sections)

117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 On line 87, after the semicolon, insert:  
120 amending s. 106.021, F.S.; removing a campaign finance  
121 filing requirement for certain candidates; repealing s.  
122 106.082, F.S., relating to campaign contribution  
123 limitations for Commissioner of Agriculture candidates;  
124 amending s. 106.147, F.S.; requiring a disclosure  
125 statement for certain telephone calls; excluding certain  
126 telephone calls from obtaining candidate or sponsor  
127 authorization; amending s. 106.24, F.S.; providing that  
128 the Florida Elections Commission shall be its own agency  
129 head rather than the director of the commission;