

By Senator Oelrich

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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, 106.34,  
16 106.35, 106.353, 106.355, and 106.36, Florida Statutes, are  
17 repealed.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 made,  
24 by or on behalf of such candidate or political committee. Reports  
25 shall be filed on the 10th day following the end of each calendar  
26 quarter from the time the campaign treasurer is appointed, except  
27 that, if the 10th day following the end of a calendar quarter  
28 occurs on a Saturday, Sunday, or legal holiday, the report shall  
29 be filed on the next following day which is not a Saturday,

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30 Sunday, or legal holiday. Quarterly reports shall include all  
31 contributions received and expenditures made during the calendar  
32 quarter which have not otherwise been reported pursuant to this  
33 section.

34 ~~(a) Except as provided in paragraph (b),~~ Following the last  
35 day of qualifying for office, the reports shall be filed on the  
36 32nd, 18th, and 4th days immediately preceding the primary and on  
37 the 46th, 32nd, 18th, and 4th days immediately preceding the  
38 election, for a candidate who is opposed in seeking nomination or  
39 election to any office, for a political committee, or for a  
40 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 receive~~  
45 ~~contributions from the trust fund shall file reports on the 4th,~~  
46 ~~11th, 18th, 25th, and 32nd days prior to the primary election,~~  
47 ~~and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days~~  
48 ~~prior to the general election.~~

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

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59 campaign treasurers' reports with the filing officer on the dates  
60 set by the Department of State pursuant to s. 100.111.

61 2. When an election is called for an issue to appear on the  
62 ballot at a time when no candidates are scheduled to appear on  
63 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 with  
67 a schedule designating the beginning and end of reporting periods  
68 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 meet  
80 the qualifications of s. 501(c)(3) of the Internal Revenue Code.

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

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

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

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

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

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

100        106.22 Duties of the Division of Elections.--It is the duty  
101 of the Division of Elections to:

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

110        Section 5. Subsections (3), (4), and (5) of section  
111 106.265, Florida Statutes, are amended to read:

112        106.265 Civil penalties.--

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

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

121       (4)~~(5)~~ In any case in which the commission determines that  
122 a person has filed a complaint against another person with a  
123 malicious intent to injure the reputation of the person  
124 complained against by filing the complaint with knowledge that  
125 the complaint contains one or more false allegations or with  
126 reckless disregard for whether the complaint contains false  
127 allegations of fact material to a violation of this chapter or  
128 chapter 104, the complainant shall be liable for costs and  
129 reasonable attorney's fees incurred in the defense of the person  
130 complained against, including the costs and reasonable attorney's  
131 fees incurred in proving entitlement to and the amount of costs  
132 and fees. If the complainant fails to pay such costs and fees  
133 voluntarily within 30 days following such finding by the  
134 commission, the commission shall forward such information to the  
135 Department of Legal Affairs, which shall bring a civil action in  
136 a court of competent jurisdiction to recover the amount of such  
137 costs and fees awarded by the commission.

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

142       320.02 Registration required; application for registration;  
143 forms.--

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

150       Section 7. Paragraph (b) of subsection (9) of section  
151 320.27, Florida Statutes, is amended to read:

152       320.27 Motor vehicle dealers.--

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

154       (b) The department may deny, suspend, or revoke any license  
155 issued hereunder or under the provisions of s. 320.77 or s.  
156 320.771 upon proof that a licensee has committed, with sufficient  
157 frequency so as to establish a pattern of wrongdoing on the part  
158 of a licensee, violations of one or more of the following  
159 activities:

160       1. Representation that a demonstrator is a new motor  
161 vehicle, or the attempt to sell or the sale of a demonstrator as  
162 a new motor vehicle without written notice to the purchaser that  
163 the vehicle is a demonstrator. For the purposes of this section,  
164 a "demonstrator," a "new motor vehicle," and a "used motor  
165 vehicle" shall be defined as under s. 320.60.

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

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

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

183           5. Failure of any motor vehicle dealer to comply with the  
184 terms of any bona fide written, executed agreement, pursuant to  
185 the sale of a motor vehicle.

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

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

190           8. Failure to continually meet the requirements of the  
191 licensure law.

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

198           10. Requirement by any motor vehicle dealer that a customer  
199 or purchaser accept equipment on his or her motor vehicle which  
200 was not ordered by the customer or purchaser.

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201 11. Requirement by any motor vehicle dealer that any  
202 customer or purchaser finance a motor vehicle with a specific  
203 financial institution or company.

204 12. Requirement by any motor vehicle dealer that the  
205 purchaser of a motor vehicle contract with the dealer for  
206 physical damage insurance.

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

211 14. Violation of any of the provisions of s. 319.35 by any  
212 motor vehicle dealer.

213 15. Sale by a motor vehicle dealer of a vehicle offered in  
214 trade by a customer prior to consummation of the sale, exchange,  
215 or transfer of a newly acquired vehicle to the customer, unless  
216 the customer provides written authorization for the sale of the  
217 trade-in vehicle prior to delivery of the newly acquired vehicle.

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

220 17. Violation of chapter 319, this chapter, or ss. 559.901-  
221 559.9221, which has to do with dealing in or repairing motor  
222 vehicles or mobile homes. Additionally, in the case of used motor  
223 vehicles, the willful violation of the federal law and rule in 15  
224 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer  
225 sales window form.

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



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

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

233           322.08 Application for license.--

234           (6) The application form for a driver's license or  
235 duplicate thereof shall include language permitting the  
236 following:

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

240           (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which  
241 contribution shall be deposited into the Florida Organ and Tissue  
242 Donor Education and Procurement Trust Fund for organ and tissue  
243 donor education and for maintaining the organ and tissue donor  
244 registry.

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

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

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

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

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

262 |       Section 9. Subsection (11) of section 328.72, Florida  
263 | Statutes, is amended to read:

264 |       328.72 Classification; registration; fees and charges;  
265 | surcharge; disposition of fees; fines; marine turtle stickers.--

266 |       (11) VOLUNTARY CONTRIBUTIONS.--The application form for  
267 | boat registration shall include a provision to allow each  
268 | applicant to indicate a desire to pay an additional voluntary  
269 | contribution to the Save the Manatee Trust Fund to be used for  
270 | the purposes specified in s. 370.12(4). This contribution shall  
271 | be in addition to all other fees and charges. The amount of the  
272 | request for a voluntary contribution solicited shall be \$2 or \$5  
273 | per registrant. A registrant who provides a voluntary  
274 | contribution of \$5 or more shall be given a sticker or emblem by  
275 | the tax collector to display, which signifies support for the  
276 | Save the Manatee Trust Fund. All voluntary contributions shall be  
277 | deposited in the Save the Manatee Trust Fund and shall be used  
278 | for the purposes specified in s. 370.12(4). ~~The form shall also~~  
279 | ~~include language permitting a voluntary contribution of \$5 per~~  
280 | ~~applicant, which contribution shall be transferred into the~~  
281 | ~~Election Campaign Financing Trust Fund. A statement providing an~~  
282 | ~~explanation of the purpose of the trust fund shall also be~~  
283 | ~~included.~~

284 |       Section 10. Subsection (1) of section 607.1622, Florida  
285 | Statutes, is amended to read:

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286 607.1622 Annual report for Department of State.--

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

291 (a) The name of the corporation and the state or country  
292 under the law of which it is incorporated.†

293 (b) The date of incorporation or, if a foreign corporation,  
294 the date on which it was admitted to do business in this state.†

295 (c) The address of its principal office and the mailing  
296 address of the corporation.†

297 (d) The corporation's federal employer identification  
298 number, if any, or, if none, whether one has been applied for.†

299 (e) The names and business street addresses of its  
300 directors and principal officers.†

301 (f) The street address of its registered office and the  
302 name of its registered agent at that office in this state.†

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

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

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

313 765.5215 Education program relating to anatomical  
314 gifts.--The Agency for Health Care Administration, subject to the

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315 concurrence of the Department of Highway Safety and Motor  
316 Vehicles, shall develop a continuing program to educate and  
317 inform medical professionals, law enforcement agencies and  
318 officers, high school children, state and local government  
319 employees, and the public regarding the laws of this state  
320 relating to anatomical gifts and the need for anatomical gifts.

321 (1) The program is to be implemented with the assistance of  
322 the organ and tissue donor education panel as provided in s.  
323 765.5216 and with the funds collected under ss. 320.08047 and  
324 322.08(6) (a) ~~(b)~~. Existing community resources, when available,  
325 must be used to support the program, and volunteers may assist  
326 the program to the maximum extent possible. The Agency for Health  
327 Care Administration may contract for the provision of all or any  
328 portion of the program. When awarding such contract, the agency  
329 shall give priority to existing nonprofit groups that are located  
330 within the community, including within the minority communities  
331 specified in subsection (2). The program aimed at educating  
332 medical professionals may be implemented by contract with one or  
333 more medical schools located in the state.

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

336 765.5216 Organ and tissue donor education panel.--

337 (1) The Legislature recognizes that there exists in the  
338 state a shortage of organ and tissue donors to provide the organs  
339 and tissue that could save lives or enhance the quality of life  
340 for many Floridians. The Legislature further recognizes the need  
341 to encourage the various minority populations of Florida to  
342 donate organs and tissue. It is the intent of the Legislature  
343 that the funds collected pursuant to ss. 320.08047 and

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344 322.08(6) (a) ~~(b)~~ be used for educational purposes aimed at  
345 increasing the number of organ and tissue donors, thus affording  
346 more Floridians who are awaiting organ or tissue transplants the  
347 opportunity for a full and productive life.

348 Section 13. This act shall take effect on the effective  
349 date of an amendment to the State Constitution approved by the  
350 electors at the general election to be held in November 2008  
351 which authorizes, or removes impediment to, enactment by the  
352 Legislature of the provisions of this act.