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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/WD/2R

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04/29/2009 05:32 PM

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Senator Lawson moved the following:

Senate Amendment (with title amendment)

Delete lines 16 - 219

and insert:

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

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each



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13 calendar quarter from the time the campaign treasurer is
14 appointed, except that, if the 10th day following the end of a
15 calendar quarter occurs on a Saturday, Sunday, or legal holiday,
16 the report shall be filed on the next following day which is not
17 a Saturday, Sunday, or legal holiday. Quarterly reports shall
18 include all contributions received and expenditures made during
19 the calendar quarter which have not otherwise been reported
20 pursuant to this section.

21 ~~(a) Except as provided in paragraph (b),~~ Following the last
22 day of qualifying for office, the reports shall be filed on the
23 32nd, 18th, and 4th days immediately preceding the primary and
24 on the 46th, 32nd, 18th, and 4th days immediately preceding the
25 election, for a candidate who is opposed in seeking nomination
26 or election to any office, for a political committee, or for a
27 committee of continuous existence.

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

36 (b)(e) Following the last day of qualifying for office, any
37 unopposed candidate need only file a report within 90 days after
38 the date such candidate became unopposed. Such report shall
39 contain all previously unreported contributions and expenditures
40 as required by this section and shall reflect disposition of
41 funds as required by s. 106.141.



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42 ~~(d)~~1. When a special election is called to fill a
43 vacancy in office, all political committees and committees of
44 continuous existence making contributions or expenditures to
45 influence the results of such special election shall file
46 campaign treasurers' reports with the filing officer on the
47 dates set by the Department of State pursuant to s. 100.111.

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

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

56 Section 2. Subsection (4) of section 106.141, Florida
57 Statutes, is amended to read:

58 106.141 Disposition of surplus funds by candidates.—

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

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

65 ~~(b) 2.~~ Donate the funds that have not been spent or
66 obligated to a charitable organization or organizations that
67 meet the qualifications of s. 501(c)(3) of the Internal Revenue
68 Code.

69 ~~(c) 3.~~ Give not more than \$10,000 of the funds that have not
70 been spent or obligated to the political party of which such



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71 candidate is a member, except that a candidate for the Florida
72 Senate may give not more than \$30,000 of such funds to the
73 political party of which the candidate is a member.

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

75 ~~1.a.~~ In the case of a candidate for state office, to the
76 state, to be deposited in ~~either the Election Campaign Financing~~
77 ~~Trust Fund or the General Revenue Fund, as designated by the~~
78 ~~candidate; or~~

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

82 ~~(b) Any candidate required to dispose of funds pursuant to~~
83 ~~this section who has received contributions from the Election~~
84 ~~Campaign Financing Trust Fund shall return all surplus campaign~~
85 ~~funds to the Election Campaign Financing Trust Fund.~~

86 Section 3. Subsection (6) of section 106.22, Florida
87 Statutes, is amended to read:

88 106.22 Duties of the Division of Elections.—It is the duty
89 of the Division of Elections to:

90 (6) Make, from time to time, audits and field
91 investigations with respect to reports and statements filed
92 under the provisions of this chapter and with respect to alleged
93 failures to file any report or statement required under the
94 provisions of this chapter. ~~The division shall conduct a~~
95 ~~postelection audit of the campaign accounts of all candidates~~
96 ~~receiving contributions from the Election Campaign Financing~~
97 ~~Trust Fund.~~

98 Section 4. Subsections (3), (4), and (5) of section
99 106.265, Florida Statutes, are amended to read:



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100 106.265 Civil penalties.-

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

104 ~~(4) Notwithstanding any other provisions of this chapter,~~
105 ~~any fine assessed pursuant to the provisions of this chapter,~~
106 ~~which fine is designated to be deposited or which would~~
107 ~~otherwise be deposited into the General Revenue Fund of the~~
108 ~~state, shall be deposited into the Election Campaign Financing~~
109 ~~Trust Fund.~~

110 (4)~~(5)~~ In any case in which the commission determines that
111 a person has filed a complaint against another person with a
112 malicious intent to injure the reputation of the person
113 complained against by filing the complaint with knowledge that
114 the complaint contains one or more false allegations or with
115 reckless disregard for whether the complaint contains false
116 allegations of fact material to a violation of this chapter or
117 chapter 104, the complainant shall be liable for costs and
118 reasonable attorney's fees incurred in the defense of the person
119 complained against, including the costs and reasonable
120 attorney's fees incurred in proving entitlement to and the
121 amount of costs and fees. If the complainant fails to pay such
122 costs and fees voluntarily within 30 days following such finding
123 by the commission, the commission shall forward such information
124 to the Department of Legal Affairs, which shall bring a civil
125 action in a court of competent jurisdiction to recover the
126 amount of such costs and fees awarded by the commission.

127 Section 5. Subsection (11) of section 328.72, Florida
128 Statutes, is amended to read:



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129 328.72 Classification; registration; fees and charges;
130 surcharge; disposition of fees; fines; marine turtle stickers.-

131 (11) VOLUNTARY CONTRIBUTIONS.-The application form for boat
132 registration shall include a provision to allow each applicant
133 to indicate a desire to pay an additional voluntary contribution
134 to the Save the Manatee Trust Fund to be used for the purposes
135 specified in s. 379.2431(4). This contribution shall be in
136 addition to all other fees and charges. The amount of the
137 request for a voluntary contribution solicited shall be \$2 or \$5
138 per registrant. A registrant who provides a voluntary
139 contribution of \$5 or more shall be given a sticker or emblem by
140 the tax collector to display, which signifies support for the
141 Save the Manatee Trust Fund. All voluntary contributions shall
142 be deposited in the Save the Manatee Trust Fund and shall be
143 used for the purposes specified in s. 379.2431(4). ~~The form~~
144 ~~shall also include language permitting a voluntary contribution~~
145 ~~of \$5 per applicant, which contribution shall be transferred~~
146 ~~into the Election Campaign Financing Trust Fund. A statement~~
147 ~~providing an explanation of the purpose of the trust fund shall~~
148 ~~also be included.~~

149 Section 6. Subsection (1) of section 607.1622, Florida
150 Statutes, is amended to read:

151 607.1622 Annual report for Department of State.-

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

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



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

160 (c) The address of its principal office and the mailing
161 address of the corporation.~~†~~

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

164 (e) The names and business street addresses of its
165 directors and principal officers.~~†~~

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

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

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

176 Section 7. Section 106.34, Florida Statutes, is amended to
177 read:

178 (Substantial rewording of section. See
179 s. 106.34, F.S., for present text.)

180 106.34 Expenditure limits.-

181 (1) Any candidate for Governor, Lieutenant Governor, or
182 Cabinet officer who requests contributions from the Election
183 Campaign Financing Trust Fund shall limit his or her total
184 expenditures as follows:

185 (a) Governor or Lieutenant Governor: \$7 million.

186 (b) Cabinet officer: \$3 million.



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187 (2) The expenditure limit for any candidate who has primary
188 election opposition only is 60 percent of the limit provided in
189 subsection (1).

190 (3) The expenditure limit shall be adjusted quadrennially
191 by the Secretary of State to reflect the rate of inflation or
192 deflation as indicated in the Consumer Price Index for All Urban
193 Consumers, U.S. City Average, All Items, 1967=100, or successor
194 reports as reported by the Bureau of Labor Statistics of the
195 United States Department of Labor.

196 (4) As used in this section, the term "expenditure" does
197 not include the payment of compensation for legal and accounting
198 services rendered on behalf of a candidate.

199 Section 8. This act shall take effect July 1, 2009.

200
201 ===== T I T L E A M E N D M E N T =====

202 And the title is amended as follows:

203 Delete lines 3 - 12

204 and insert:

205 amending ss. 106.07, 106.141, 106.22, 106.265, 328.72,
206 and 607.1622, F.S.; deleting references to the
207 Election Campaign Financing Trust Fund, which expired,
208 effective November 4, 1996, by operation of s. 19(f),
209 Art. III of the State Constitution; amending s.
210 106.34, F.S.; providing expenditure limits for certain
211 candidates for statewide office; providing an
212 effective date.