

By Senator Haridopolos

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

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 11 Be It Enacted by the Legislature of the State of Florida:

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 15 repealed.

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

18 106.07 Reports; certification and filing.—

19 (1) Each campaign treasurer designated by a candidate or
 20 political committee pursuant to s. 106.021 shall file regular
 21 reports of all contributions received, and all expenditures
 22 made, by or on behalf of such candidate or political committee.
 23 Reports shall be filed on the 10th day following the end of each
 24 calendar quarter from the time the campaign treasurer is
 25 appointed, except that, if the 10th day following the end of a
 26 calendar quarter occurs on a Saturday, Sunday, or legal holiday,
 27 the report shall be filed on the next following day which is not
 28 a Saturday, Sunday, or legal holiday. Quarterly reports shall
 29 include all contributions received and expenditures made during

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30 the calendar quarter which have not otherwise been reported
31 pursuant to this section.

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

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

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

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

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

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

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

69 106.141 Disposition of surplus funds by candidates.—

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

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

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

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

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

86 1.a. In the case of a candidate for state office, to the
87 state, to be deposited in ~~either the Election Campaign Financing~~

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88 ~~Trust Fund or the General Revenue Fund, as designated by the~~
89 ~~candidate; or~~

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

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

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

99 106.22 Duties of the Division of Elections.—It is the duty
100 of the Division of Elections to:

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

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

111 106.265 Civil penalties.—

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

115 ~~(4) Notwithstanding any other provisions of this chapter,~~
116 ~~any fine assessed pursuant to the provisions of this chapter,~~

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117 ~~which fine is designated to be deposited or which would~~
118 ~~otherwise be deposited into the General Revenue Fund of the~~
119 ~~state, shall be deposited into the Election Campaign Financing~~
120 ~~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
131 attorney's fees incurred in proving entitlement to and the
132 amount of costs and fees. If the complainant fails to pay such
133 costs and fees voluntarily within 30 days following such finding
134 by the commission, the commission shall forward such information
135 to the Department of Legal Affairs, which shall bring a civil
136 action in a court of competent jurisdiction to recover the
137 amount of such costs and fees awarded by the commission.

138 Section 6. Subsection (11) of section 328.72, Florida
139 Statutes, is amended to read:

140 328.72 Classification; registration; fees and charges;
141 surcharge; disposition of fees; fines; marine turtle stickers.-

142 (11) VOLUNTARY CONTRIBUTIONS.—The application form for boat
143 registration shall include a provision to allow each applicant
144 to indicate a desire to pay an additional voluntary contribution
145 to the Save the Manatee Trust Fund to be used for the purposes

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146 specified in s.379.2431(4). This contribution shall be in
 147 addition to all other fees and charges. The amount of the
 148 request for a voluntary contribution solicited shall be \$2 or \$5
 149 per registrant. A registrant who provides a voluntary
 150 contribution of \$5 or more shall be given a sticker or emblem by
 151 the tax collector to display, which signifies support for the
 152 Save the Manatee Trust Fund. All voluntary contributions shall
 153 be deposited in the Save the Manatee Trust Fund and shall be
 154 used for the purposes specified in s. 379.2431(4). ~~The form~~
 155 ~~shall also include language permitting a voluntary contribution~~
 156 ~~of \$5 per applicant, which contribution shall be transferred~~
 157 ~~into the Election Campaign Financing Trust Fund. A statement~~
 158 ~~providing an explanation of the purpose of the trust fund shall~~
 159 ~~also be included.~~

160 Section 7. Subsection (1) of section 607.1622, Florida
 161 Statutes, is amended to read:

162 607.1622 Annual report for Department of State.—

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

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

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

171 (c) The address of its principal office and the mailing
 172 address of the corporation.‡

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

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

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

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

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

187 Section 8. This act shall take effect on the effective date
188 of an amendment to the State Constitution approved by the
189 electors at the general election to be held in November 2010
190 which authorizes, or removes impediment to, enactment by the
191 Legislature of the provisions of this act.