

By the Policy and Steering Committee on Ways and Means; the Committee on Transportation and Economic Development Appropriations; and Senators Haridopolos, Gaetz, Oelrich, and Dean

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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; amending s. 106.34, F.S.; providing  
 10          expenditure limits for certain candidates for  
 11          statewide office; providing effective dates, one of  
 12          which is contingent.

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

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 18 repealed.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

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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 last  
36 day of qualifying for office, the reports shall be filed on the  
37 32nd, 18th, and 4th days immediately preceding the primary and  
38 on the 46th, 32nd, 18th, and 4th days immediately preceding the  
39 election, for a candidate who is opposed in seeking nomination  
40 or election to any office, for a political committee, or for a  
41 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, any  
51 unopposed candidate need only file a report within 90 days after  
52 the date such candidate became unopposed. Such report shall  
53 contain all previously unreported contributions and expenditures  
54 as required by this section and shall reflect disposition of  
55 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

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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 the  
63 ballot at a time when no candidates are scheduled to appear on  
64 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 with  
68 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 not  
84 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.

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

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

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

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

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

102        106.22 Duties of the Division of Elections.—It is the duty  
103 of the Division of Elections to:

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

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

114        106.265 Civil penalties.—

115        (3) Any civil penalty collected pursuant to the provisions  
116 of this section shall be deposited into the General Revenue

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117 ~~Election Campaign Financing Trust Fund.~~

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

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

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

143 328.72 Classification; registration; fees and charges;  
144 surcharge; disposition of fees; fines; marine turtle stickers.-

145 (11) VOLUNTARY CONTRIBUTIONS.-The application form for boat

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

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

165 607.1622 Annual report for Department of State.—

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

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

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

174 (c) The address of its principal office and the mailing

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175 address of the corporation.~~†~~

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

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

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

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

187 (g)(h) Such additional information as may be necessary or  
188 appropriate to enable the Department of State to carry out the  
189 provisions of this act.

190 Section 8. Section 106.34, Florida Statutes, is amended to  
191 read:

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

194 106.34 Expenditure limits.-

195 (1) Any candidate for Governor, Lieutenant Governor, or  
196 Cabinet officer who requests contributions from the Election  
197 Campaign Financing Trust Fund shall limit his or her total  
198 expenditures as follows:

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

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

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

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

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

213       Section 9. Sections 1 through 7 of this act shall take  
214 effect on the effective date of Senate Joint Resolution 566, or  
215 a similar joint resolution having substantially the same  
216 specific intent and purpose, if that joint resolution is  
217 approved by the electors at the general election to be held in  
218 November 2010, and section 8 of this act and this section shall  
219 take effect January 1, 2010.